

CITY COUNCIL

Meeting Agenda

***REGULAR MEETING
COUNCIL CHAMBERS***

***MONDAY, JAN 28TH, 2008
7:00P.M.***

OPENING MATTERS

CALL TO ORDER

INVOCATION: Rev. Danny Moore, Holy Trinity Church

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Council Commendations:

Recognizing the accomplishments of Athletes from Reading and Holy Name High Schools

Mayoral Proclamations:

Recognizing the Reading Community Players for their recent performance of Lighting Train.

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on an agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes.

No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation. Citizens may not ask questions of Council member or other elected or public official in attendance.

APPROVAL OF AGENDA AND MINUTES

2. AGENDA: Council Meeting of January 28th, 2008

3. MINUTES: Council Meeting of January 14th

4. CONSENT AGENDA

Award of Contract- award the general prime contract to JEM Contracting, 10 West William Street, Schuylkill Haven, PA 17972 and the fire protection prime contract to S. A. Comunale, 2130 Spring Street, West Lawn, PA 19609, who are the low bidders, at a total submitted bid price of \$140,223.00 for the conversion of the Washington Fire Station into an Evidence/Bomb Squad storage facility for the Police Department. **(Purchasing)**

Award of Contract- to Doug Lamb Construction, Inc., 1180 Zeager Road, Elizabethtown, PA, 17022, at a total bid price of \$329,650.00 for the Phase II Playground Improvements at City Park Playground for the Departments of Public Works and Community Development. **(Purchasing)**

Resolution- authorizing the disposition of Municipal Tax Records. **(Tax Administration)**

Resolution- authorizing the disposition of Statements of Financial Interest. **(Council Staff)**

5. ADMINISTRATIVE REPORTS

6. FINANCE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS

9. ORDINANCES FOR FINAL PASSAGE

Bill No. 02- amending the City of Reading Zoning Ordinance to permit Fire Houses by Conditional Use in R-PO (Residential Professional-Office), C-H (Commercial Highway), M-C (Manufacturing Commercial) and H-M (Heavy Manufacturing) Zoning Districts. **(Solicitor/Zoning Administration/Planning)** *Introduced at the 10/22/07 meeting of Council; reintroduced at the 12/17/07 meeting of Council and tabled pending the holding of a public hearing and expiration of comment period.*

Bill No. 03- authorizing an increase to the Police Pension for those officers retiring before 2000. **(Police Pension Board)**

Bill No. 04- amending the 2008 City of Reading Full-Time Position Ordinance, by eliminating the position of Sergeant and creating the position of Lieutenant in Police Administration. **(Chief Heim)** *Introduced at the 01/14/08 Regular Meeting of Council.*

Bill No. 05- amending the Codified Ordinances of the City of Reading by adding to Chapter 10, Health and Safety, a Health and Safety Inspection Ordinance, which will require the inspection of all properties within the City of Reading after any sale or transfer of property. **(Codes/Solicitor)** *Replacing Bill No. 85-2007, which was withdrawn at the Administrations request; introduced at the 01/14/08 Regular Meeting of Council.*

Bill No. 06- authorization for dedication of St. Bernadine Street as a public roadway through Angelica Park to Route 10. **(Solicitor)** *Introduced at the 01/14/08 Regular Meeting of Council.*

Bill No. 07- amending the City of Reading Codified Ordinances, Chapter 13 - Licenses, Permits and Business Regulations, by adding a new Section 15 entitled Scrap Metal Dealers. **(Council Staff/Deputy Chief Talbot)** *Introduced at the 01/14/08 Regular Meeting of Council; reviewed and discussed at the 01/22/08 meeting of the Public Safety Committee.*

Bill No. 08- amending Chapter 10 Health and Safety, Section 407 Parking Trucks, Trailers and Mobile Homes, by prohibiting the Parking of Trucks, Trailers and Mobile Homes in all areas designated as preservation zones in the City of Reading.
(Council Staff/Police Department) *Introduced at the 01/14/08 Regular Meeting of Council.*

Bill No. 09- amending the City of Reading Codified Ordinances Chapter 1 – Administration and Government, Section H Department Organization, Exhibit A – Purchasing Procedures, by adding a new Section 8.0 entitled Protection of Integrity in Government. **(Fuhs)** *Introduced at the 01/14/08 Regular Meeting of Council.*

Bill No. 10- refunding of a series of General Obligation Bonds. **(Managing Director/Finance Director)** *Discussed at the 01/14/08 Committee of the Whole Meeting; introduced at the 01/14/08 Regular Meeting.*

10. INTRODUCTION OF NEW ORDINANCES

Ordinance- Increasing the salary for the Managing Director to \$118,820.64, retroactive to June 20, 2007. **(Mayor)**

Ordinance- Increasing the salary of the Fire Chief to \$73,771.17 per annum retroactive to January 1, 2008. **(Managing Director)**

Ordinance- Increasing the salary of the Finance Director to \$71,872.42 per annum retroactive to January 1, 2008. **(Managing Director)**

Ordinance- amending the City of Reading Codified Ordinances, Chapter 1, Section 1-120 Council Committees, by changing the name of the Administrative Oversight Committee to Administrative and Land Use Committee. **(Council Staff)**

Ordinance- amending the City of Reading Codified Ordinances Fee Schedule by adding fees for the printing or copying of maps. **(Council Staff/Traffic Engineering)**

11. RESOLUTIONS

Resolution- appointing a Vice President of Council for a two year term.
(Council Staff)

Resolution- reappointing Linda A. Kelleher to the position of City Clerk.
(Council Staff)

Resolution- adopting the 2008-2010 Council Committee structure.
(Council Staff)

PUBLIC COMMENT - GENERAL MATTERS
COUNCIL BUSINESS / COMMENTS
COUNCIL MEETING SCHEDULE

Committee of the Whole- Mon, January 28th, Council Office 5:00p.m.

Regular Meeting- Mon, January 28th, Council Chambers 7:00p.m.

Meeting with the Mayor- Mon, February 4th, Mayor's Office 4:00p.m.

Finance Committee Meeting- Mon, February 4th, Council Office 5:00p.m.

Administrative and Land Use Oversight – Mon, February 4th, Council Office, 5:00p.m.

Meeting with County Commissioners- Wed, February 6th, Commissioners Board Room, 5:00p.m.

Meeting with the Mayor- Mon February 11th, Mayor's Office, 4:00p.m.

Committee of the Whole- Mon, February 11th, Council Office 5:00p.m.

Regular Meeting- Mon, February 11th, Council Chambers 7:00p.m.

Meeting with the School Board- Tue, February 12th, School Board Conference Room, 5:30p.m.

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AGENDA MEMO

FINANCE DEPARTMENT

TO: City Council
FROM: Heather Dunkle, Purchasing Coordinator
PREPARED BY: Heather Dunkle, Purchasing Coordinator
MEETING DATE: January 28, 2008
AGENDA MEMO DATE: January 22, 2008
RECOMMENDED ACTION: Awarding of Contract for Evidence Storage Conversion for the Police Department.

RECOMMENDATION

The recommendation is to award the general prime contract to JEM Contracting, 10 West William Street, Schuylkill Haven, PA 17972 and the fire protection prime contract to S. A. Comunale, 2130 Spring Street, West Lawn, PA 19609, who are the low bidders, at a total submitted bid price of \$140,223.00 for the conversion of the Washington Fire Station into an Evidence/Bomb Squad storage facility for the Police Department.

BACKGROUND

Bids for the evidence storage conversion for the Police Department were received on January 8, 2008. The low bid for the general prime contract is \$104,423.00 and the low bid for the fire protection prime contract is \$35,800.00.

A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Department of Public Works and Accounting have confirmed that funds sufficient for this contract have been included in Capital Account Code 34-08-29-4801.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the January 28, 2008 meeting.

RECOMMENDED BY

Mayor, Managing Director, Director of Finance, Police Chief and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation to award the general prime contract to JEM Contracting and the fire protection prime contract to S. A. Comunale for the evidence storage conversion.

**AGENDA MEMO**

FINANCE DEPARTMENT

TO: City Council
FROM: Heather Dunkle, Purchasing Coordinator
PREPARED BY: Heather Dunkle, Purchasing Coordinator
MEETING DATE: January 28, 2008
AGENDA MEMO DATE: January 23, 2008
RECOMMENDED ACTION: Awarding of Contract for the Phase II Playground Improvements at City Park Playground for the Departments of Public Works and Community Development.

RECOMMENDATION

The recommendation is to award the contract to Doug Lamb Construction, Inc., 1180 Zeager Road, Elizabethtown, PA, 17022, at a total bid price of \$329,650.00 for the Phase II Playground Improvements at City Park Playground for the Departments of Public Works and Community Development. Doug Lamb Construction, Inc. is the low bidder to meet the specifications.

BACKGROUND

Bids for the Phase II Playground Improvements at City Park Playground for the Departments of Public Works and Community Development were received on December 12, 2007. The bid award is based on various items which include renovations to the sites, safety surface installation and playground equipment installation.

A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Department of Community Development and Accounting have confirmed that funds sufficient for this contract have been included in Account Code 32-10-00-4216, project #32-10-16.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the January 28, 2008 meeting.

RECOMMENDED BY

Mayor, Managing Director, Directors of Finance and Public Works and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for the purchase of the Phase II Playground Improvements at City Park Playground in order that the contract may be awarded to Doug Lamb Construction, Inc.

RESOLUTION No. _____

Resolved by the Council of the City of Reading, Berks County, Pennsylvania,
That;

Whereas, by virtue of Resolution No.120-2006 , adopted December 11,
2006, the City of Reading declared its intent to follow the schedules and

procedures for the disposition of records as set forth in the Municipal Records Manual approved on July 16, 1993, and;

Whereas, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW THEREFORE, The Council of the City of Reading hereby resolves as follows:

In accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of the following public records:

List office: Tax Administration

Record title, dates of record: Please see attached

Passed Council _____, 2006

President of Council

Attest:

City Clerk

Tax Forms to be Destroyed
January 2008

Individual Returns	1992, 1994, 1998, 1999
City Property Tax	1999
City Property Tax Balance Report	2000
Business Privilege License	1999, 2000
Business Privilege Tax Forms	2000

Multi-Year Per Capita Forms	1999, 2000
Self-Employed EIT Forms	2000
OPT Forms	2000
Employer EIT (QWPR) Forms	2000

RESOLUTION NO. _____

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:**

WHEREAS, by virtue of Resolution 120-2006, adopted December 11, 2006, the City of Reading declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved on July 16, 2003, and;

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

**NOW THEREFORE, THE COUNCIL OF THE CITY OF READING
DOES HEREBY RESOLVE AS FOLLOWS:**

In accordance with City of Reading Records Retention Policy and Document Retention Schedule, hereby authorizes the disposition of the following public records:

City Clerk's Office

1999 - Financial Interest Statements
2000 – Financial Interest Statements

Passed Council _____

President of Council

Attest:

City Clerk

B I L L N O. _____-2008

A N O R D I N A N C E

**AN ORDINANCE AMENDING THE CITY OF READING ZONING ORDINANCE PER
EXHIBIT "A," TO PERMIT FIREHOUSES BY CONDITIONAL USE IN THE
R-PO (RESIDENTIAL PROFESSIONAL-OFFICE), C-H (COMMERCIAL HIGHWAY),
M-C (MANUFACTURING COMMERCIAL) AND H-M (HEAVY MANUFACTURING)
ZONING DISTRICTS**

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Zoning Ordinance of the City of Reading is amended to permit firehouses by Conditional Use R-PO (RESIDENTIAL PROFESSIONAL-OFFICE), C-H (COMMERCIAL HIGHWAY), M-C (MANUFACTURING COMMERCIAL) AND H-M (HEAVY MANUFACTURING) zoning districts per attached Exhibit "A."

SECTION 2. All other provisions of the City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 3. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(LAW DEPT)

EXHIBIT A

FIRE STATIONS

[illegible]

* front yards may be reduced in depth to an average alignment of the majority of the existing buildings on the same block frontage. Side yards may be eliminated, when attached to an abutting structure with a zero setback

27-1202.17 FIRE STATION - may be permitted by Conditional Use in the R-PO, C-H, M-C and H-M zones provided that the following standards are met, along with any other stipulations set forth by the Zoning Hearing Board.

A) a proposed social hall and/or benefit association shall be considered as an additional "principal use" for the purposes of this Part;

B) a complete plan of proposed traffic signalization and disruption devices, lighting, alarms, sirens, public address systems, and other infrastructure commonly associated with fire stations, shall be provided to the Planning Commission as part of the review required by §303.a.2 of the Pennsylvania Municipalities Planning Code and/or land development plans;

C) fire fighting and rescue vehicles and apparatus may be staged/displayed within their station's front yard. Fire stations are hereby exempted from the driveway width standards set forth in §§27-1503.2.B and -1503.3.A, and the setback consideration of §27-1602.2.

27-1603.1.CC Fire stations: one space for each employee on the largest working shift, in addition to any spaces reserved for City-owned vehicles and apparatus. An additional 20% shall be provided for visitors.

27-2202 FIRE STATION - any building owned, occupied or managed by the City's Department of Fire & Rescue Services, used primarily for the housing and readiness of fire fighting and rescue vehicles and apparatus, including but not necessarily limited to engines, ladders and ambulances. Fire stations may include residential accommodations for on-duty personnel, when limited to 20% of the station's total gross floor area and in compliance with applicable building codes.

B I L L N O. _____ 2008
A N O R D I N A N C E

**AN ORDINANCE PROVIDING A COST OF LIVING INCREASE TO POLICE
PENSIONERS RETIRING BEFORE 2000.**

SECTION 1. Providing a Cost of Living increase for Police Pensioners as approved unanimously by the Police Pension Board at their December 13, 2007 meeting. Increases will be provided as follows:

- Police Pensioners retiring prior to January 1, 1980 will receive a 13.16% increase;
- Police Pensioners retiring between 1/1/1980 and 12/31/1984 will receive a 9.08% increase;
- Police Pensioners retiring between 1/1/1985 and 12/31/1989 will receive a 7.17% increase;
- Police Pensioners retiring between 1/1/1990 and 12/31/1994 will receive a 4.97% increase;
- Police Pensioners retiring between 1/1/1995 and 12/31/1999 will receive a 1.99% increase; and
- Police Pensioners retiring between 1/1/2000 Present will receive a 0.00% increase.

SECTION 2. This amendment to the Police Pension Benefits will be retroactive to January 1, 2008.

SECTION 3. This Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

B I L L N O. _____ 2008

A N O R D I N A N C E

AN ORDINANCE AMENDING THE 2008 CITY OF READING FULL-TIME POSITION ORDINANCE BY ELIMINATING THE POSITION OF SERGEANT AND CREATING THE POSITION OF LIEUTENANT IN POLICE ADMINISTRATION.

SECTION 1. Eliminating the position of Sergeant and creating the position of Lieutenant in the Police Administration Section of the 2008 Fulltime Position Ordinance.

SECTION 2. This amendment to the Full-Time Position Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

(Chief of Police)



CITY OF READING CITY COUNCIL

Brief

Agenda Item: Scrap Metal Ordinance **From:** Linda A. Kelleher, City Clerk
Jen Conway, Intern

Briefing No.: 1-2008 **Date:** January 9, 2008

SUBJECT: Scarp Metal Ordinance

SUMMARY: Due to the increased number of thefts of motor vehicles, parts of motor vehicles and other types of materials which are valuable for scrap metal, and the practice of the sale of stolen materials as scrap metal, it is necessary to enact a Scrap Metal Ordinance. The continuing problem of theft and sale of stolen property maintains its effect on various public sectors of the City of Reading. This issue was researched by the City Clerk and the ordinance was drafted in consultation with Deputy Police Chief Mark Talbot. Several good examples of such an ordinance were obtained from St. Louis, MO, Memphis, TN, Saginaw, MI and Tillamook County, Oregon. Current City law does not provide for regulations relative to scrap metal dealers. The enactment of a Scrap Metal Ordinance will help to provide a legitimate basis for and regulation of scrap metal sales, in addition to the goal of prevention of illegal activity relative to scrap metal which so greatly affects the Citizens of Reading.

The Scrap Metal Ordinance provides for the following:

- Allows individuals to apply for a scrap metal license to operate a scrap metal facility at a specified location for a non-refundable \$50 fee for each application and renewal of such license. The license shall expire on December 31st of the calendar year in which the license was issued.
- Various applicant identity requirements for issuance of a license.
- Approval of application by Codes Enforcement.

- The scrap metal facility is not transferable to another location. Change in ownership requires a new application and new license.
- The revocation or suspension of any license where the Codes Enforcement Office finds the facility to be in violation of the ordinance.
- The maintenance of a separate record book of each retail transaction to be recorded on a form approved by the Chief of Police.
- Every retail transaction must be accompanied by a digital image of the transaction with a date and time stamp.
- All requirements also apply to the purchase or reception of a motor vehicle.
- The Chief of Police or designee to notify a licensee of the suspicion, with probable cause, that an article or material is stolen property.
- No purchase or receipt of a transaction without reasonable verification that the seller is the owner of the article.
- Specified restrictions on articles to be accepted at licensed scrap metal facilities.
- Age limit and protocol for inspection of a scrap metal facility
- Conditions of appeal of license
- Penalties for violation of ordinance

ATTACHMENTS: Scrap Metal Dealers Ordinance

B I L L N O. _____ 2008
A N O R D I N A N C E

**AN ORDINANCE AMENDING THE CITY OF READING CODIFIED
ORDINANCES CHAPTER 13 - LICENSES PERMITS AND BUSINESS
REGULATIONS, BY ADDING A NEW SECTION 15 ENTITLED SCRAP METAL
DEALERS**

WHEREAS, the theft of motor vehicles, motor vehicles, motor vehicle parts and various types of metal material and articles that have value as scrap metal is a significant and growing problem for law enforcement agencies, contractors and builders, utility providers, business owners, homeowners, and the citizens of Reading; and

WHEREAS, current regulation of businesses that deal in scrap metal has proven to be ineffective at detecting or preventing this illegal activity at the point at which stolen items are sold as scrap metal; and

WHEREAS, there is a need to provide licensing and regulation of scrap metal dealers to help ensure that motor vehicles and metal sold as scrap metal are legitimately owned by the seller and not stolen property and to assist in the recovery of stolen property;
now

THEREFORE THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 13 Licenses, Permits and Business Regulations by adding a new Section 15 entitled Scrap Metal Dealers, as stated in Exhibit A attached.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

EXHIBIT A

CHAPTER 13 – SECTION 15 SCRAP METAL DEALERS

§13-101 Short Title. This Part shall be known and may be cited as the "City of Reading Scrap Metal Dealer Ordinance.

§13-102 Definitions. The following words, terms and phrases when used in this Part shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning.

Scrap metal facility shall mean any facility, establishment or place of business that is maintained or operated for the primary purpose of receiving, storing processing, buying or selling scrap metal for remelting or recycling purposes.

Scrap metal facility licensee or licensee shall mean any person holding a scrap metal facility license issued pursuant to this chapter and includes any person acting as the license holder's authorized agent or employee.

Scrap metal means any scrap article or material composed of iron, steel, or nonferrous metal or metal alloy, including but not limited to copper, brass, bronze, aluminum or stainless steel.

Motor vehicle shall have the same meaning as set forth in the Pennsylvania Consolidated Statutes Title 75 – Vehicles.

Vehicle identification number or derivative thereof shall mean any number or derivative of such a number that is embossed, engraved, etched or otherwise marked on any vehicle or vehicle part by the manufacturer and can also include a duplicate vehicle identification number replaced upon a vehicle under the authority of the registrar of motor vehicles.

Retail transaction shall mean any transaction involving any person other than an industrial or commercial account, a nonprofit account or a government account in which a scrap metal facility purchases or receives scrap metal.

Industrial or commercial account shall mean any person operating from a fixed location that sells scrap metal to a scrap metal facility pursuant to a written agreement or written account certification. The term may include other scrap metal facilities.

Nonprofit account shall mean any nonprofit organization that is exempt from a federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A.

501(a) and that sells scrap metal to a scrap metal facility pursuant to a written agreement or written account certification.

Government account shall mean any political subdivision as defined in Pennsylvania Consolidated Statutes that sells scrap metal to a scrap metal facility pursuant to a written agreement or written account certification.

§13-103 License Requirement; Expiration. No person shall operate a scrap metal facility in the City of Reading except under authority of a valid scrap metal facility license issued by the Codes Enforcement Office, in the name of the person operating the facility and for the specific site of the facility. Every license shall expire on December 31st of year calendar year following its date of issuance, subject to suspension or revocation pursuant to Section 13-107 of this Chapter. An application for the renewal of a license must be submitted prior to the annual expiration date of the existing license, and operation under authority of the existing license may continue until issuance or denial of the renewal of the license, provided submission of the renewal application is timely.

§13-104 Application for Scrap Metal Facility Licenses; Fee.

- A. Application for a scrap metal license is required by §13-103 herein, including the renewal of the license, shall be made in writing and sworn to on a form provided by the Codes Enforcement Office and pursuant to the terms of this Chapter. Each application and renewal shall include a filing fee of fifty dollars (\$50.00) which shall not be refundable, and identify the applicant and the address of the facility to be licensed. The fee shall be waived for any person that is operating a scrap metal facility at that specific site as a 501C3 non-profit organization.
- B. The application for a license to operate a scrap metal facility shall include the following information:
 - 1. A list identifying every individual who will be directly engaged in managing or supervising the daily operations of the facility, and for each individual so identified the following information shall be provided by the applicant.
 - (a) The individual's name, address and social security number;
 - (b) A photocopy of a current and valid driver's license, military identification, or other government issued photo identification card issued to individuals;
 - (c) A set of fingerprints and a certified copy of the individual's criminal history information, including date, time, and place of convictions for all violations except traffic offenses as obtained from any local or state enforcement agency;
 - 2. The applicant's history of any government issued licenses or permits

related to the operation of any scrap metal facility, including any currently held by the applicant and any previously issued licenses or permits that were revoked or suspended within the past the (10) years and the reasons therefore;

3. If the applicant is a business entity that is required to register with the Commonwealth of Pennsylvania Secretary of the State, a copy of a current certificate of good standing issued by that office;
- C. No person shall knowingly make a false license application or procure or seek or procure a license for another.

§13-105 Issuance and Display of License.

A. Subject to the terms of this chapter the Codes Enforcement shall issue a license to an applicant to operate a scrap metal facility at a specified location, unless the service safety director finds any pf the following:

1. A complete and accurate description of any scrap metal article or material that has been purchased or received by the licensee, including, where available, the name and maker of the article or material and the serial number or other identification number, letters or marks written or inscribed on the article or material;
2. The sellers name and current address;
3. The identification number fro ma current driver's license, military identification, or other government-issued photo identification card issued to the seller;
4. The license plate number and state issuing the license plate of the motor vehicle being used by the seller to transport the articles or material to the facility;
5. An impression of the right or left thumb of the seller;
 - a. If the licensee uses the electronic reporting method, the following procedures will comply with the requirement for a thumb impression:
 - 1) A fingerprint scanner impression of the thumb print provided in the electronic file wit h the daily reporting titled by name and date
 - 2) A thumb print impression on a receipt signed by the seller, filed by date, and retained for three (3) years, and kept in such a manner as it may be retrieved by law enforcement upon request.
6. The date and time that the licensee purchased or received the article or material and the name of the individual employee or operator of the facility who conducted the transaction;

7. A declaration of whether the total amount paid by the licensee for the articles or material purchased or received was five hundred dollars (\$500) or more.
- B. Every retail transaction shall be numbered consecutively.
 - C. Every retail transaction shall have a digital image taken with the date and time stamp of such quality as approved by the Chief of Police. The tapes or pictures must be maintained for 90 days.
 - D. The licensee shall prepare a daily report listing all retail transactions occurring during the preceding day and containing all information described in this section for each retail transaction. Before 12:00 noon each day, the licensee shall deliver a copy of the licensee's daily report to the Chief of Police or his designee. Delivery of the daily report shall be by means of a secured electronic transmission, a legible facsimile transmission, or the delivery of a paper copy or physical electronic medium containing the report. Licensees submitting a physical electronic medium or data from a computerized tracking system must submit the data in a format approved by the Chief of Police or his designee. Timing of the delivery of the report may be adjusted by a written protocol of the Chief of Police.
 - E. The records described in this section shall be retained by the licensee for three (3) years following the date of the retail transaction.
 - F. Aluminum cans are exempt from reporting.

§13-106 Transfer of License.

- A. A scrap metal facility license is not transferable to another location. No person so licensed shall transfer or solicit business at any location other than at the address stated in the license. Any change in location of the scrap metal facility licensed pursuant to this chapter shall require the submission of a new application and the issuance of a new license.
- B. Any change in ownership or location of the scrap metal facility licensed pursuant to this chapter shall require the submission of a new application and the issuance of a new license. For purposes of this section, whenever the person to which a license has been issued is a corporation or limited liability company and there is a transfer of the corporation's stock or that limited liability company's membership interests such that, following the transfer, the owner of the majority or plurality of the limited liability company's membership's interests would change, the transfer of stock or membership interests shall be considered a change of ownership.

§13-107. License Suspension or Revocation.

A. The Codes Enforcement Office may revoke or suspend a scrap metal facility license where it finds:

1. A section of this chapter was violated upon facility premises;
2. A violation of the **Commonwealth of Pennsylvania Statute, Commonwealth of Pennsylvania Code** or the City of Reading Codified Ordinances was committed upon the facility premises, and was reasonably related to the management, condition or operation of the facility;
3. A material misrepresentation was made upon application for a license;
4. An operator of the facility, or employee or agent of the operator, hindered, obstructed or prevented any inspection of the facility authorized by this chapter.

B. Unless a stay order has been issued by a court of competent jurisdiction, a licensee is prohibited from purchasing, receiving or selling any scrap metal articles or material during the time that the licensee's scrap metal facility is revoked or suspended.

§13-108. Records of Transactions; Daily Reports to Police

A. All scrap metal facility licenses shall maintain a separate record book or electronic file in which the licensee shall keep an accurate, legible and complete record of all the following specified information for each retail transaction on a form approved by the Chief of Police:

1. A complete and accurate description of any scrap metal article or material that has been purchased or received by the licensee, including, where available, the name and maker of the article or material, and the serial number or other identification number, letters or marks written or inscribed on the article or material;
2. The seller's name and current address;
3. The identification number from a current and valid driver's license, military identification, or other government-issued photo identification card issued to the seller;
4. The identification number and state issuing the license plate of the motor vehicle being used by the seller to transport the articles or material to the facility;
5. An impression of the right or left thumb of the seller;
 - a. If the licensee uses the electronic reporting method, the following procedures will comply with the requirement for a thumb impression:
 - 1) A finger print scanner impression of the thumbprint provided in an electronic file with the daily reporting titled by name and date.

- 2) A thumbprint impression on a receipt signed by the seller, filed by date, and retained for three (3) years, and kept in such a manner as it may be retrieved by law enforcement upon request.
 6. The date and time that the licensee purchased or received the article or material and the name of the individual employee or operator of the facility who conducted the transaction;
 7. A declaration of whether the total amount paid by the licensee for the articles or material purchased was five hundred dollars (\$500)
- B.** Every retail transaction shall be numbered consecutively.
- C.** Every retail transaction shall have a digital image taken with the date and time stamp of such quality as approved by the Chief of Police. The tapes or pictures must be maintained for a 90 day period.
- D.** The licensee shall prepare a daily report listing all retail transactions occurring during the preceding day and containing all information described in this section for each retail transaction. Before 12:00 noon each day, the licensee shall deliver a copy of the licensee's daily report to the Chief of Police or his designee. Delivery of the daily report shall be by means of a secured electronic transmission, a legible facsimile transmission, or the delivery of a paper copy or a physical electronic medium containing the report. Licensees submitting a physical electronic or data from a computerized tracking system must submit data in a format approved by the Chief of Police.
- E.** The records described in this section shall be retained by the licensee for three (3) years following the date of the retail transaction.
- F.** Aluminum cans are exempt from reporting.

§13-109. Additional Requirements for Motor Vehicles and Parts; Exemption.

- A.** In addition to all the other requirements of this chapter, a scrap metal facility that purchases or receives in a retail transaction as scrap a motor vehicle shall also comply with all the following requirements:
1. No motor vehicle shall be purchased or received unless at the time of the transaction the seller has provided both a valid driver's license, military identification, or other government issued identification card issued to the seller bearing a photograph of the seller.
 2. A scrap metal facility that purchases or receives a motor vehicle from the owner described on the certificate of title shall within ten (10) days mark the certificate "TO BE CANCELLED," keep a record of the cancellation, and forward the certificate to the clerk of the court, who shall issue it in accordance with **Section 4738.16(B) of the Ohio Revised Code**. The scrap metal facility shall keep record of the cancellation for three (3) years after creating the record. The record shall include a copy of the certificate.

B. In addition to all other requirements of this chapter, a scrap metal facility that purchases or receives in a retail transaction as scrap a motor vehicle part bearing a vehicle identification number or derivative thereof shall also record, as a part of the retail transaction, that part's vehicle identification number or derivative thereof.

C. This chapter shall not apply to any operations person licensed by the State of Pennsylvania as a motor vehicle salvage dealer under the Ohio Revised Code Chapter 4738. Non auto salvage derived scrap operations shall be subject to regulation as a scrap metal facility.

§13-110. Retention of Articles; Permission of Police For Disposition; Recovery of Stolen Foods by True Owner.

A. Except as otherwise provided in this section, a scrap metal facility licensee shall retain and all scrap metal articles or material composed of copper, brass, aluminum or stainless steel that have been purchased or received by the licensee in a retail transaction, in the condition the article or material was received, until the expiration of at least seven (7) days after the date of purchase or receipt. This required seven (7) day retention period does not apply to aluminum cans, motor vehicles, scrap metal articles or material other than copper, brass, aluminum or stainless steel, for which the licensee has received written permission for disposition from the Chief of Police or his designee.

B. For any article or material received for which a retention period is required under this section, the licensee shall attach a tag to the article or material in some visible and convenient place that identifies the date and transaction number applicable to that article or material which tag shall remain attached until disposition of the article or material.

C. If the Chief of Police or his designee has probable cause to believe that an article or material is stolen property, he shall notify the licensee in writing. Upon receipt of such notice, the licensee shall retain the article or material until the expiration of thirty (30) days after receipt of the notice, unless the Chief of Police or his designee notifies the licensee in writing that the retention of the article or material is no longer required. Upon expiration of the thirty (30) day period, absent renewal thereof by the Chief of Police or his designee, or the failure if the true owner to pick up the allegedly stolen property, the scrap article or material may be immediately recycled.

D. If the Chief of Police or his designee receives a report that property has been stolen and determines the identity of the true owner of the allegedly stolen property that it is possession of the licensee, and informs the licensee of the true owner's identity, the licensee shall hold the allegedly stolen property for at least thirty (30) days from the date of notification by the Police Chief or his designee to enable the true owner to pick up that property from the licensee. If the licensee fails or refuses to return the allegedly stolen property that has been held as required by this chapter, the licensee may recover the property from the licensee in an action at law. Upon expiration of the thirty (30) day

period, absent renewal thereof by the Police Chief or his designee , or the failure of the true owner to pick up the allegedly stolen property, the scrap article or material may be immediately recycled.

E. If the Chief of Police or his designee determines that there is a need for the investigative purposes to tag and retain certain articles or materials recieved from a specified person, the chief or his designee, shall notify the licensee in writing in writing of such need and the licensee shall tag and retain said material for three (3) days. Upon expiration of the three (3) day period, absent renewal thereof by the Police Chief or his designee, the scrap article or material may be immediately recycled. This tagging shall occur regardless of whether or not the licensee reported electronically.

F. A scrap metal facility licensee shall be exempt from the retention requirements contained in this chapter provided:

1. The licensee utilizes the automated electronic reporting system approved by the Chief of Police for all retail transactions involving scrap metal for which a retention period would otherwise be required under this section; and
2. All required data fields in the transaction report, as determined by the Chief of Police or his designee are completed and transmitted by the licensee to the approved reporting system; and
3. The licensee takes a digital image with the date and time of such quality as is approved by the Chief of Police. The tapes or pictures must be maintained for a 90 day period showing date and time.

§13-111. Purchase of Certain Articles Restricted

A. No scrap metal facility licensee shall purchase or receive any restricted article in a retail transaction unless at the time of the transaction the seller has received reasonable, reliable, a written documentation verifying that the seller is the owner of the article, or is an employee, agent, or other person authorized to sell the article on behalf of the owner.

B. For purposes of this section, "restricted article" means all of the following: beer kegs; shopping carts; electric or communication cable or wire and their electronic components owned by a public utility, electric or communication company; grave markers, sculptures, plaques and vases, the appearance of which suggest that the articles have been obtained from a cemetery; guard rails for bridges, highways and roads; highway and street signs; street light poles and fixtures; manhole covers, water meter covers and other similar types of utility access covers; traffic directional and control sign and light signals; metal marked with the name of a political subdivision of the state and other articles that are purchased and installed for use upon authorization of the state or any political subdivision of the state; historical markers.

C. No scrap metal facility licensee shall purchase or receive any consumer appliance in a retail transaction unless:

1. At the time of the transaction the seller has received reasonable, reliable, written documentation verifying that the seller is the owner of the consumer appliance, or is an employee, agent or other person authorized to sell the consumer appliance on behalf of the owner; or
2. No more than two (2) consumer appliances are purchased or received per seller per day.

D. For purposes of this chapter "consumer appliance" means all of the following: air conditioners, hot water heaters, furnaces, refrigerators, freezers, stoves, clothes washers or dryers.

E. No scrap metal facility licensee shall purchase or receive any catalytic converter in a retail transaction unless:

1. At the time of the transaction the seller has received reasonable, reliable, written documentation verifying that the seller is the owner of the catalytic converter, or is an employee, agent, or other person authorized to sell the catalytic converter on behalf of the owner; or
2. No more than one (1) catalytic converter is purchased or received per seller per day.

§13-112. Purchases Prohibited. No licensee shall purchase or receive any scrap metal article or material from any person under the age of eighteen (18), or from any person identified in writing to the licensee by the Chief of Police as a known or suspected thief or receiver of stolen property, or from any person failing or refusing to provide to the licensee all the identifying information required from the seller under this chapter. Aluminum cans may be purchased from a minor without identification or reporting.

§13-113. Authority to Conduct Inspections

A. Upon display of the proper credentials, any law enforcement officer or the designee of the Codes Enforcement Office shall be granted entry to a scrap metal facility at any time the facility is open for business for the purpose of conducting an inspection to ensure compliance with this chapter. For purposes of such inspection, the inspection official shall be granted full access by the licensee to the buildings, grounds, storage areas, vehicles and records of the licensee.

B. No person shall deny access to, or in any way impede an inspection of a licensed scrap metal facility, or any portion thereof or fail to cooperate with any party authorized to enforce this chapter and any party authorized to inspect scrap metal facilities as noted herein.

§13-114. Appeals. The refusal to issue or renew, and the suspension or revocation of, a scrap metal facility license pursuant to the provisions of this chapter may be appealed to the Berks County Court of Common Pleas.

§13-115. Severability. In the event any section or provision of this chapter is declared to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part to be declared to be invalid or unconstitutional.

§13-116. Penalties. Any person violating any section or component of this chapter is guilty of a misdemeanor of the first degree and subject to the cost of prosecution and restitution. Each day that a person continues to violate this chapter shall constitute a separate and complete offense.



CITY OF READING CITY COUNCIL

Brief

Agenda Item:	Amendment of Trucks Tractors & RV Ordinance	From:	Linda A. Kelleher City Clerk
Briefing No.:	2-2008	Date:	January 10, 2008

SUBJECT: Amendment of Trucks, Tractors and RV Ordinance restricting the ability of trucks, tractors and recreational vehicles to park in areas zoned Preservation.

SUMMARY: The current ordinance restricts parking large trucks, trailers and recreational vehicles in areas zoned residential. A zoning designation runs to the midpoint of the street in areas where zoning designations change. Deputy Police Chief Talbot has identified areas of the city where the application of preservation zoning boundaries presents some enforcement problems.

For example, in the 800-900 blocks of North 13th Street (Reading High property) the west side is zoned R-3 and the east side is zoned preservation, as this property was originally part of the Earl Trust. Therefore in this area our ordinance can only be applied to the western side of the street. This particular preservation zone is the largest preservation zone in the City. It begins at Oak Lane and Bern Street on Mt Penn, continues through Hampden Park and then the Reading High School properties, then it cuts up to North 14th Street, where at Walnut it sweeps east to include Mineral Spring Park, Pendora Park, Egleman's Park, etc. and west to include City Park. Another large area includes the boundary between the Neversink preservation zone and the residential area which runs from South 9th and South Streets, to Fairview St to the City line.

Currently our ordinance only prohibits parking of large trucks, trailers and recreational vehicles in areas zoned residential. The ordinance can not be enforced the side zoned preservation. Although there has not been a large problem with large vehicles parking in preservation areas, Deputy Chief Talbot and I believe it would be wise to include it in our Trucks, Trailers, RV Ordinance before we receive complaints of these large vehicles parking in City Park or on Oak Lane.

ATTACHMENTS: Amendment to Trucks, Tractor and RV Parking Ord.

BILL NO. _____ 2008
AN ORDINANCE

AN ORDINANCE AMENDING CHAPTER 10 HEALTH AND SAFETY, SECTION 407 PARKING TRUCKS, TRAILERS AND MOBILE HOMES IN THE CODIFIED ORDINANCES OF THE CITY OF READING BY PROHIBITING THE PARKING OF TRUCKS, TRAILERS AND MOBILE HOMES IN ALL AREAS DESIGNATED AS PRESERVATION ZONES IN THE CITY OF READING WHICH WILL FURTHER PROTECT THE QUALITY OF LIFE AND PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE OF ALL READING CITIZENS

WHEREAS, the City of Reading has seen a substantial increase in complaints regarding the parking and/or storage of oversized vehicles in residential areas throughout the City causing visual blight and public safety concerns such as sight distance from driveways and intersections for pedestrian and vehicular traffic.

THEREFORE THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending Chapter 10 Health and Safety, Section 407 Parking Trucks, Trailers and Mobile Homes by adding the Preservation Zone to the areas where parking of large trucks, trailers and recreational vehicles is prohibited, as stated in Exhibit A attached.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

President of Council

Attest:

City Clerk
(*Councilor Marmarou*)

(Exhibit A)

§10-505. Parking Trucks, Trailers and Mobile Homes.

1. It shall be unlawful for any person to park, or allow to remain parked any vehicles, trucks, trailers, or tractors, whether attached or unattached, with a gross vehicle weight rating (GVWR) of 10,000 lbs. or more and/or higher than 10 feet on all public or private property for more than 1 hour unless the vehicle is involved in the actual delivery or pick up of goods, supplies or merchandise from any building, residence or business in the following zoning districts:

- A. R 1 A, R 1, R 2, R 3 Residential Districts
- B. Residential Outlet Districts - RO
- C. Commercial Residential Districts - CR
- D. Commercial Neighborhood Districts - CN
- E. Residential Professional Office – RPO

F. Preservation

2. It shall also be unlawful for anyone to park or allow to remain parked any boats, motor homes, recreational vehicles (RV), camping trailers, trailers of any type or passenger cars with attached boats, homes, camping trailers or trailers of any type on all public property and on private property in plain view from the public right of way in the above zoning districts.

3. Each household may apply to the Department of Police, Traffic Enforcement Office for no more than 2 Temporary Recreational Vehicle Parking Permits in each calendar year unless a special exception is authorized by the Chief of Police for the vehicles restricted in Section 2 listed above. Temporary Recreational Vehicle Parking Permits will provide residents with the ability to prepare these vehicles for personal vacations or uses. These permits may only be used for no more than five days in the direct block where the owner resides. The cost of each Permit shall be \$10.

4. Prior to the issuance of the citation and fine, notification of this law and a warning of the penalties imposed upon violation shall be posted on the vehicle one time or a copy issued to the owner or tenant of the property. Such warning shall be properly recorded in the Police Department, the Codes Enforcement Office and the Parking Authority Office by the issuing enforcement official. If the vehicle is not removed within forty eight (48) hours, the enforcement official shall issue a citation and may consider removing the vehicle, as stated in Part 5 below.

5. Any person who shall violate any provision of this Part shall be cited and fined \$100. If the \$100 fine is not paid within 10 days, the fine shall be automatically increased to \$200. At the discretion of the citing officer, the vehicle(s) located in the public right of way may be subject to tow after the 3rd citation in any calendar year.

6. The Department of Police, Codes Enforcement Office and Reading Parking Authority are hereby provided with enforcement authority for this section.

B I L L N O . _____ -2008

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 – ADMINISTRATION AND GOVERNMENT, SECTION H DEPARTMENT ORGANIZATION, EXHIBIT A – PURCHASING PROCEDURES, BY ADDING A NEW SECTION 8.0 ENTITLED PROTECTION OF INTEGRITY IN GOVERNMENT AND RENUMBERING ACCORDINGLY.

WHEREAS, large political contributions from those seeking or currently performing business with the City, raise reasonable concerns on the part of taxpayers and residents as to their trust in government contracts; and

WHEREAS, it has become common for individuals/entities to make substantial political contributions to persons holding elective City office who are ultimately responsible for awarding professional service contracts which are not subject to public bidding; and

WHEREAS, in the interest of good government, the City desires to set maximum amounts that professional business entities may contribute politically beyond which they become ineligible to receive a contract from the City; and

WHEREAS, the City governing body has determined that the flow of excess political contributions into the City of Reading from sources located outside the City of Reading could contribute to a corrupting influence on the political process in the City of Reading; and

WHEREAS, the governing body of the City of Reading desires to curb process known as wheeling by placing limits on the amounts of political contributions that a candidate for elective City office may receive;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Reading as follows:

Section 8.1. Definition of Terms

The terms listed below shall have the following meanings for purposes of this ordinance:

Professional Business Entity – a “professional business entity” means an individual including the individual’s spouse, if any, and any child living at home; person; firm; corporation; Professional Corporation; partnership; organization; or association. The definition of a professional business entity includes all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the professional business entity.

Section 8.2. Prohibition on Awarding Public Contracts to Certain Contributors

- (a) To the extent that it is not inconsistent with State or Federal Law, the City of Reading or any of its purchasing agents, departments or instrumentalities of the City thereof, as the case may be, will not enter into any agreement or otherwise contract to procure professional, banking, insurance coverage service or any other consulting services provided by a licensed professional, including those awarded pursuant to any process including a fair and open process, if such professional business entity has solicited or made any contribution of money or pledge of a contribution, including in-kind contributions to (i) any campaign committee of any candidate for elective City office or to the current holders of any elective City office, or (ii) to any City of Reading party committee or (iii) to any municipal party committee within the City of Reading, or (iv) to any candidate committee, state, or county political party or any Political Action Committee (PAC) that is engaged in the financial or in kind support of candidates for elective City of Reading offices, City elections and/or City of Reading political parties in excess of the threshold specified in subsection (c) within one calendar year immediately preceding the date of the contract or agreement.
- (b) No professional business entity who submits a proposal for; enters into negotiations for or agrees to any contract or agreement including those awarded by a “fair and open process” for the rendition of professional services as the case may be, shall knowingly solicit or make any contribution of money, pledge of contribution, including in kind contributions to: (i) any campaign committee of any candidate for elective City office or to the current holder of any elective City office or (ii) to any City of Reading party committee or (iii) to any municipal party committee within the City of Reading or (iv) to any candidate committee, state or county political party or Political Action Committee (PAC) that is engaged in the financial or in kind support of candidates for the City of Reading elective City office, City elections and/or City of Reading political parties

between the time of first communication between that professional business entity and the City regarding a specific professional services agreement and the latter of the termination of negotiation or rejection of any proposal or the completion of the contract or agreement.

- (c) Anyone meeting the definition of “professional business entity” under this section may annually contribute a maximum of \$300 each or up to the amount of reportable contributions as may from time to time be established by State or Federal Law for any purpose to any candidate for elective City office or current office holder, or \$500 to any City of Reading party committee, or municipal party committee within the City of Reading, or to a single or joint campaign account of a candidate committee, state or county political party or PAC referenced in this ordinance without violating subsection (a) of this section. However, any group of individuals meeting the definition of “professional business entity” under this section, including such principals, partners, and officers of the entity in the aggregate, may not annually contribute for any purpose in excess of \$2,500 to all candidates for elective City offices and to officeholders with ultimate responsibility for the award of the contract, and all City and state political parties, municipal party committees within the City of Reading and PACs referenced in this ordinance combined, without violating subsection (a) of this section.
- (d) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:
 - (1) The Council of the City of Reading, if the contract requires approval as provided for by the established purchasing policies of the City of Reading.

Section 8.3. Contributions Made Prior to the Effective Date

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any candidate for elective County office or to any county party committee, municipal party committee, state or City political party, candidate committee or PAC referenced in this ordinance shall be deemed a violation of this section, nor shall an agreement for property of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this ordinance. The disclosure requirements of this ordinance shall not apply to contracts awarded subsequent to the effective date if the Request for Proposal process was initiated prior to the effective date.

Section 8.4. Contribution Statement by Professional Business Entity

- (a) Prior to awarding any contract or agreement to procure services, including but not limited to banking, insurance service or other professional type services, the City or any of its purchasing agents or agencies shall receive a sworn statement from the professional business entity under penalty of perjury that the entity has not made a contribution in violation of section 8.2 of this ordinance. This statement shall be in addition to the disclosure requirements as required by applicable State and Federal law.

The professional business entity under penalty of perjury will make the statement that it has not knowingly made a contribution in violation of the ordinance hereof and has not made or solicited contributions through intermediaries, third parties, immediate relatives, or Political Action Committees for the purpose of concealing the source of the contribution. A professional business entity that files an incorrect Public Disclosure Statement will have its contract with the City of Reading declared null and void and will be disqualified from being awarded any contract for a period of four (4) years.

- (b) Ten days prior to awarding any contract or agreement to procure Professional Services with any professional business entity, including those awarded pursuant a “fair and open process”, the City or its purchasing agent or agencies, as the case may be, shall receive a completed City of Reading Public Disclosure Statement form and provide that for public review at the City Clerk’s office. The City of Reading Public Disclosure Statement shall list all of the political contributions by the professional business entity to any State, City or municipal committee of a political party; any legislative leadership committee; or any candidate committee of a candidate for, or holder of, an elective office of the City of Reading; or of another elective office within the City of Reading; or of a legislative district which includes all or part of the City of Reading; or any continuing political committee for a period of 12 months prior to the contract year being entered into, noting the candidate or campaign committee, the amount and date, and the nature of the contribution.
- (c) The professional business entity shall have a continuing duty to report any violations of this ordinance that may occur during the negotiation or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the City and shall be in addition to any other certifications that may be required by any other provision of law. At a minimum, completion of the Public Disclosure Statement will be an annual requirement of the professional business entity.

Section 8.5. Return of Excess Contributions

A professional business entity may cure a violation of Section 8.2 of this ordinance, if within 30 days after the date on which the applicable ELEC report is published, the professional business entity notifies the City Council in writing that they will be seeking and receiving reimbursement of a contribution from the relevant candidate for elective City office or the office holder, or candidate committee, state or City political party or PAC reference in this ordinance.

Section 8.6. Exemption

The contribution limits specified within this ordinance do not apply to contracts awarded pursuant to a public bid or competitive contract process pursuant to State law or to those contracts awarded as emergency contracts when the public exigency requires the immediate emergency services as determined by resolution of the City Council after finding those facts which support a conclusion of imminent danger to the health and welfare of the City of Reading citizenry.

Section 8.7. Penalty

- (a) It shall be a breach of the terms of the City professional services agreement for a professional business entity to: (i) make or solicit a contribution in violation of this ordinance; (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contribution through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of any elective City office; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of this ordinance; (vi) fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage in any exchange of contributions to circumvent the intent of this ordinance; or (viii) directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this ordinance. The purpose and intent of the aforementioned prohibition is to prevent entities from circumventing the requirements of this ordinance by working or operating with or through third parties.
- (b) Furthermore, any professional business entity who violates Section 8.7(a)(ii-viii) shall be disqualified from eligibility for future City contracts for a period of four calendar years from the date of the violation.
- (c) Any professional business entity who violates section 8.7(a)(i) shall have its contract with the City of Reading declared null and void at the option of

the governing body, unless the violation is cured as provided for in Section 8.5.

Section 8.8. Prohibition Against Candidate Receipt of Certain Contributions

- (a) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from a county committee of a political party, other than the county committee of the county in which the candidate or candidates reside, in excess of \$2,600 per election.
- (b) No candidate or candidate committee for any elective City office in the City of Reading shall accept any monetary or in-kind contribution in excess of \$2,600 per election, directly or indirectly, from a county political party committee if such county political party committee has received any contribution in excess of \$2,600 at any time during the preceding twelve months from a county political party committee, a municipal political party committee, a candidate committee, a continuing political committee, or a PAC organized under § 527 of the Internal Revenue Code, located outside of Berks County.
- (c) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from a state political party in excess of \$2,600 per election.
- (d) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from a legislative leadership committee in excess of \$2,600 per election.
- (e) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from a continuing political committee or PAC organized under § 527 of the Internal Revenue Code in excess of \$2,600 per election.
- (f) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from another candidate committee, other than from a candidate committee located in at least part of the City of Reading, in excess of \$2,600 per election.
- (g) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from a municipal political party committee, other than a municipal political party committee of a municipality located in the City of Reading, in excess of \$2,600 per election.
- (h) No candidate or candidate committee for any elective City office in the City of Reading shall accept any monetary or in-kind contribution, in excess of

\$2,600 per election, directly or indirectly, from a municipal political party committee located in the City of Reading, if such municipal political party committee has received any contribution in excess of \$2,600 at any time during the preceding twelve months from a county political party committee, a municipal political party committee, a candidate committee, a continuing political committee, or a PAC organized under § 527 of the Internal Revenue Code, located outside of Berks County.

- (i) Any candidate or candidate committee for elective City office in the City of Reading who has taken contribution in excess of those outlined in Section 8.8(a)-(h) of this Ordinance shall be subject to a fine of up to \$500 per violation for a first offense and up to \$500 per violation and/or 30 days in the county jail for a subsequent offense. Enforcement of this ordinance shall be brought by a citizen complaint which may be filed in any court with jurisdiction over the alleged violator.

Section 9.9. Incorporation by Reference

- (a) The regulatory and penalty provisions of this Ordinance shall be incorporated by reference into all City of Reading contracts for professional services and extraordinary unspecifiable services.

Section 10.9. Severability and Effectiveness Clause:

- (a) If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.
- (b) Any ordinance inconsistent with the terms of this ordinance is hereby repealed to the extent of such inconsistency.

Section 11.9. Effective Date:

This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

CITY OF READING

BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. ____ 2008

ENACTED: _____, 2008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, SETTING FORTH ITS INTENT TO ISSUE A SERIES OF GENERAL OBLIGATION BONDS OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED FIVE MILLION NINE HUNDRED THOUSAND DOLLARS (\$5,900,000) PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, 53 PA.C.S. CHAPTERS 80-82, AS AMENDED, REENACTED AND SUPPLEMENTED, KNOWN AS THE LOCAL GOVERNMENT UNIT DEBT ACT (THE "ACT"); FINDING THAT A PRIVATE SALE BY NEGOTIATION IS IN THE BEST FINANCIAL INTERESTS OF THE CITY; DETERMINING THAT SUCH BONDS SHALL EVIDENCE NONELECTORAL DEBT OF THE CITY; SPECIFYING THAT SUCH INDEBTEDNESS TO BE INCURRED TO PROVIDE FUNDS FOR CERTAIN PROJECTS OF THE CITY WHICH INCLUDES THE FOLLOWING: (1) CURRENT REFUNDING OF THE WASHINGTON COUNTY AUTHORITY'S OUTSTANDING MUNICIPAL FACILITIES LEASE REVENUE BONDS (POOLED CAPITAL PROGRAM), SERIES 1985 A-1 SUBSERIES B (CITY OF READING PROJECT); AND (2) PAYING THE COSTS AND EXPENSES OF ISSUANCE OF THE BONDS; SETTING FORTH THE REASONABLE ESTIMATED USEFUL LIVES OF THE CAPITAL PROJECTS THAT ARE TO BE REFINANCED BY THE BONDS; ACCEPTING A PROPOSAL FOR THE PURCHASE OF SUCH BONDS AT PRIVATE SALE BY NEGOTIATION; PROVIDING THAT SUCH BONDS, WHEN ISSUED, SHALL CONSTITUTE A GENERAL OBLIGATION OF THE CITY; FIXING THE DENOMINATIONS, DATED DATE, INTEREST PAYMENT DATES, MATURITY DATES, INTEREST RATES, REDEMPTION PROVISIONS, MANDATORY REDEMPTION PROVISIONS (IF APPLICABLE) AND PLACE OF PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH BONDS; AUTHORIZING SPECIFIED OFFICERS OF THE CITY TO CONTRACT WITH THE PAYING AGENT FOR ITS SERVICES IN CONNECTION WITH THE BONDS; SETTING FORTH THE SUBSTANTIAL FORM OF THE BONDS EVIDENCING THE DEBT; AUTHORIZING EXECUTION AND ATTESTATION OF SUCH BONDS; PROVIDING COVENANTS RELATED TO DEBT SERVICE APPLICABLE TO SUCH BONDS TO THE EXTENT REQUIRED BY THE ACT AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY IN SUPPORT THEREOF; CREATING A SINKING FUND IN CONNECTION WITH SUCH BONDS, TO THE EXTENT REQUIRED BY THE ACT; DESIGNATING THE PAYING AGENT TO BE THE SINKING FUND DEPOSITARY; AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT BY AND BETWEEN THE CITY AND THE ESCROW AGENT NAMED THEREIN IN CONNECTION WITH THE REFUNDING OF SUCH 1985 BONDS; PROVIDING A COVENANT TO INSURE PROMPT AND FULL

PAYMENT FOR SUCH BONDS WHEN DUE; SETTING FORTH REGISTRATION AND TRANSFER PROVISIONS WITH RESPECT TO SUCH BONDS; AUTHORIZING THE EXECUTION OF ONE OR MORE INVESTMENT AGREEMENTS BY SPECIFIED OFFICERS OF THE CITY (IF APPLICABLE) AND THE PURCHASE OF CERTAIN U.S. TREASURY OBLIGATIONS OR ANY OTHER SECURITIES OR INVESTMENTS IN CONNECTION WITH THE PROJECT AND THE REFUNDING OF SUCH 1985 BONDS; AUTHORIZING AND DIRECTING SPECIFIED OFFICERS OF THE CITY TO DO, TO TAKE AND TO PERFORM CERTAIN SPECIFIED, REQUIRED, NECESSARY OR APPROPRIATE ACTS TO EFFECT THE ISSUANCE OF THE BONDS, INCLUDING, WITHOUT LIMITATION, THE PREPARATION OF A DEBT STATEMENT AND BORROWING BASE CERTIFICATE, AND THE FILING OF SPECIFIED DOCUMENTS WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, ALL AS REQUIRED BY THE ACT; DECLARING THAT THE DEBT TO BE EVIDENCED BY SUCH BONDS, TOGETHER WITH ALL OTHER INDEBTEDNESS OF THE CITY, WILL NOT BE IN EXCESS OF ANY APPLICABLE LIMITATION IMPOSED BY THE ACT; AUTHORIZING PROPER OFFICERS OF THE CITY TO DELIVER THE BONDS UPON THE APPROVAL OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; SETTING FORTH CERTAIN COVENANTS PRECLUDING THE CITY FROM TAKING ACTIONS WHICH WOULD CAUSE THE BONDS TO BECOME "ARBITRAGE BONDS" OR "PRIVATE ACTIVITY BONDS," AS THOSE TERMS ARE USED IN THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), AND APPLICABLE REGULATIONS PROMULGATED THEREUNDER; AUTHORIZING THE PURCHASE OF BOND INSURANCE (IF APPLICABLE); SETTING FORTH THE PROVISIONS, IF ANY, REQUIRED TO BE INCLUDED BY THE BOND INSURER; AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE CERTIFICATE AND COVENANTING TO COMPLY WITH THE PROVISIONS THEREOF; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INsofar AS THE SAME SHALL BE INCONSISTENT HERewith.

WHEREAS, City of Reading, Berks County, Pennsylvania (the "City"), is a third-class city of the Commonwealth of Pennsylvania (the "Commonwealth"); and

WHEREAS, the City, in contemplation of the issuance and sale its General Obligation Bonds in an aggregate principal amount not to exceed Five Million Nine Hundred Thousand Dollars (\$5,900,000), to provide funds for and towards certain projects of the City, has determined that the Bonds (hereinafter defined) shall be offered for sale at a private sale by negotiation pursuant to the provisions of the Local Government Unit Debt Act of the Commonwealth, as re-enacted and amended (the "Act") and has determined that a private sale by negotiation is in the best financial interests of the City; and

WHEREAS, the Council of the City (the “Council”) has determined that such Bonds will be issued in one series and designated generally as “City of Reading, Berks County, Pennsylvania, General Obligation Bonds, Series A of 2008” (the “Bonds”) or such other name or designations as shall be selected by the Mayor upon delivery of the Bonds in accordance with Section 7 hereof; and

WHEREAS, the Bonds shall be issued in the aggregate principal amount not to exceed Five Million Nine Hundred Thousand Dollars (\$5,900,000); and

WHEREAS, the Council has determined to accept the proposal of PNC Bank, National Association or an assignee designated in writing by the City (the “Purchaser”), for the purchase of the Bonds, such sale to be conditioned upon, among other things, the receipt of approval from the Department of Community and Economic Development of the Commonwealth (the “Department”) relating to the issuance of the indebtedness to be evidenced by the Bonds; and

WHEREAS, the Washington County Authority has heretofore issued its Municipal Facilities Lease Revenue Bonds (Pooled Capital Program), Series 1985 A-1 Subseries B (City of Reading Project) on behalf of the City in the aggregate principal amount of \$14,850,000, of which \$6,400,000 remains outstanding (the “1985 Bonds”); and

WHEREAS, the City has determined to currently refund the 1985 Bonds; and

WHEREAS, the City desires to authorize the refunding of the 1985 Bonds for the purpose of reducing the total debt service over the life of the 1985 Bonds; and

WHEREAS, a portion of the proceeds of the Bonds may be deposited in escrow pursuant to the terms of an escrow agreement (the “Escrow Agreement”), to be executed by and between the City and an escrow agent named therein (the “Escrow Agent”), such that the proceeds of the Bonds, together with interest to be earned thereon (if any), will be held by the Escrow Agent in a separate escrow account and irrevocably pledged for the redemption of the 1985 Bonds, all as shall be set forth more fully in the Escrow Agreement; and

WHEREAS, the Bonds which are being issued to refund the 1985 Bonds will not be outstanding through a maturity date that could not have been included in the issue of the 1985 Bonds; and

WHEREAS, the Council has determined to and desires to accept the proposal of the Purchaser and to incur nonelectoral debt in the aggregate principal amount not to exceed Five Million Nine Hundred Thousand Dollars (\$5,900,000) to be issued from time to time to fund certain projects (hereinafter described) of the City pursuant to the provisions of the Act.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Council of City of Reading, Berks County, Pennsylvania, in lawful session duly assembled, as follows:

Pursuant to the provisions of this Ordinance, the Council hereby authorizes and directs the issuance of the Bonds in one series in the aggregate principal amount not to exceed

Five Million Nine Hundred Thousand Dollars (\$5,900,000) to be designated generally as “City of Reading, Berks County, Pennsylvania, General Obligation Bonds, Series A of 2008” or such other name or designation as shall be selected by the Mayor of the City upon delivery of the Bonds in accordance with the requirements of Section 8 hereof. The Bonds shall be issued and sold in accordance with the provisions of the Act by private sale by negotiation. In connection therewith, the Council hereby finds and determines that a private sale by negotiation is in the best financial interests of the City.

The Council determines that the debt to be incurred pursuant to this Ordinance, and which will be evidenced by the Bonds, shall be nonelectoral debt of the City.

A brief description of the project (the “Project”) to be funded with, among other things, the proceeds of the Bonds to be issued from time to time pursuant to this Ordinance is as follows: (1) current refunding the 1985 Bonds; and (2) paying the costs and expenses of issuance of the Bonds. The Council hereby approves the project.

The remaining realistic estimated useful lives of the capital projects originally financed by the 1985 Bonds and to be refinanced by the Bonds are at least 15 years. It is hereby certified that an aggregate principal amount of the Bonds at least equal to the realistic estimated cost of each such capital project shall mature prior to the end of the useful life of such project.

Stated installments or maturities of principal of the issue of Bonds will not be deferred beyond the later of one year after the estimated date for the completion of the construction portion of the Project, if any, or two years from the date of issue of the Bonds.

In connection with the issuance and sale of the Bonds, the Council of the City, as required by the provisions of the Act, hereby finds, determines and states (a) that the purpose of the refunding of the 1985 Bonds is to reduce total debt service over the life of the 1985 Bonds; and (b) that the refunding of the 1985 Bonds is authorized and permitted under and pursuant to the provisions of Section 8241 of the Act. The Council further finds and determines that the final maturity date of the Bonds issued to effect the refunding of the 1985 Bonds does not extend to a date that could not have been included in the 1985 Bond issue.

The Council of the City hereby authorizes and directs its proper officers, agents and employees to execute all documents and take all actions necessary in connection with accomplishing the refunding of the 1985 Bonds, including, but not limited to providing notice to the Trustee for the 1985 Bonds, and to call the 1985 Bonds for optional redemption in full on the first date the 1985 Bonds are eligible to be called for optional redemption. In accordance with Section 8246 of the Act, it is the intent of the Council that the 1985 Bonds shall no longer be outstanding from and after the date of the issuance of the Bonds.

Subject to the approval of the Department, as required by the provisions of the Act, the Council shall and does hereby accept the proposal of the Purchaser, for the purchase of the Bonds in accordance with the terms and conditions of this Ordinance and the Purchaser’s proposal, dated _____, 2008 (the “Proposal”). The sale of the Bonds shall be for an aggregate purchase price of not less than 97.0% nor more than 105.0% of the par amount of the Bonds issued by the City, exclusive of any original issue discount and any original issue

premium, plus accrued interest, if any, from the date of the Bonds to the date of delivery thereof. The Mayor of the City is hereby authorized and directed to accept and to execute the Proposal in the name and on behalf of the City, and the City Clerk of the City is hereby authorized and directed to attest to such acceptance and execution. A copy of the Proposal, as presented to the Council and accepted by this Ordinance, is incorporated herein by reference and shall be attached to this Ordinance and maintained with the minutes of this meeting. The bid security, if any, accompanying the Proposal shall be held and shall be applied as provided by the Act; provided, however, that no allowance for interest shall be made by the City with respect to such bid security, except as provided by the Act.

Upon final pricing of the Bonds, the Purchaser will present to the City an Addendum to the Proposal setting forth the final terms and conditions of the Bonds, including the final principal amount, interest rates, redemption provisions and purchase price for the Bonds (the "Addendum"). As long as the terms and conditions set forth in the Addendum satisfy the parameters set forth in this Ordinance, the Mayor of the City is hereby authorized and directed to accept and to execute the Addendum in the name and on behalf of the City, and the City Clerk of the City is hereby authorized and directed to attest to such acceptance and execution.

The Bonds, when issued, will be a general obligation of the City and the final aggregate principal amount of the Bonds to be issued may be less than \$10,000,000.

The Bonds shall be fully registered, without coupons, in denominations of \$5,000 or any integral multiple thereof, in substantially the form hereinafter set forth in Section 10. The Bonds shall be dated as set forth in the definitive Bonds as delivered to the Purchaser in accordance with the provisions hereof, and shall bear interest from that date at the applicable rates per annum as set forth in Section 8, payable in accordance with the provisions of the Bonds and this Ordinance, semiannually on June 15 and December 15 (each an "Interest Payment Date") in each year, commencing with the June 15 or December 15 following the delivery of the Bonds, until maturity or prior redemption.

The Bonds shall bear interest at rates not to exceed the maximum rates of interest and shall mature, whether by maturity or mandatory sinking fund redemption on the dates and in the amounts not to exceed the maximum amounts as set forth on Exhibit A attached hereto.

The Bonds shall be subject to optional and mandatory sinking fund redemption as set forth in the definitive Bonds as delivered to the Purchaser in accordance with the provisions hereof.

In lieu of such mandatory redemption, the Paying Agent, on behalf of the City, may purchase, from money in the Sinking Fund, or the City may tender to the Paying Agent, all or part of the Bonds subject to mandatory redemption in any such year.

If a Bond is of a denomination larger than \$5,000, a portion of such Bond may be redeemed. For the purposes of redemption, such Bond shall be treated as representing that number of Bonds which is obtained by dividing the principal amount thereof by \$5,000, each \$5,000 portion of such Bond being subject to redemption. In the event of a partial redemption of a Bond, payment of the redemption price shall be made only upon surrender of such Bond in

exchange for Bonds of the same series and of authorized denominations in an aggregate principal amount equal to the unredeemed portion of the principal amount thereof.

Any redemption of Bonds shall be upon notice effected by mailing a copy of the redemption notice by first-class mail, postage prepaid, such notice to be sent not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption, addressed to the registered owners of Bonds to be redeemed at their addresses shown on the registration books kept by the Paying Agent (hereinafter defined) as of the date the Bonds are selected for redemption; provided, however, that failure to give such notice by mailing, or any defect therein or in the mailing thereof, shall not affect the validity of any proceeding for redemption of other Bonds called for redemption as to which proper notice has been given.

If at the time of mailing of the notice of redemption the City shall not have deposited with the Paying Agent moneys sufficient to redeem all the Bonds called for redemption, such notice may state that it is conditional, that is, subject to the deposit of the redemption moneys with the Paying Agent no later than the opening of business on the redemption date, and such notice shall be of no effect unless such moneys are so deposited.

On the date designated for redemption, notice having been provided as aforesaid, and money for payment of the principal and accrued interest being held by such Paying Agent, interest on the Bonds or portions thereof so called for redemption shall cease to accrue and such Bonds or portions thereof shall cease to be entitled to any benefit or security under this Ordinance, and registered owners of such Bonds shall have no rights with respect to such Bonds, except to receive payment of the principal of and accrued interest on such Bonds to the date fixed for redemption.

If the redemption date for any Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the Commonwealth are authorized by law or by executive order to remain closed, then the payment of such principal and interest upon such redemption need not be made on such date, but may be made on the next succeeding day which is not a Saturday, Sunday, legal holiday or day on which such banking institutions are authorized to remain closed, with the same force and effect as if made on the nominal date of redemption, and no interest shall accrue after such date.

The proper officers of the City are hereby authorized, empowered and directed to contract with a bank or bank and trust company authorized to do business in the Commonwealth of Pennsylvania and who has an office in the Commonwealth of Pennsylvania (the "Paying Agent"), for its services as paying agent and sinking fund depository in accordance with the terms and conditions of the Proposal, this Ordinance and the Act. Payment of the principal of and interest on the Bonds shall be made, when due, in accordance with the provisions of the Bonds, at the corporate trust office of the Paying Agent in lawful money of the United States of America.

The Bonds shall be in substantially the form set forth in Exhibit "B". The form of the Bonds as submitted to the City is hereby approved in substantially such form, with such changes, insertions and variations as are necessary or appropriate to reflect the final terms, including, but not limited to, the name or designation and the final redemption provisions, of the

Bonds as specified to the City in the delivery instructions of the Purchaser and such other changes as the Mayor of the City may approve upon advice of counsel to the City, such approval to be evidenced by such officer's execution and delivery of the Bonds.

The Bonds shall be executed in the name and on behalf of the City by the true or facsimile signature of the Mayor of the City and the true or facsimile official seal of the City shall be affixed thereunto, duly attested by the true or facsimile signature of the City Clerk of the City. Said officers are authorized and directed to execute and attest the Bonds. The execution and delivery of the Bonds shall constitute conclusive proof of the approval of the final terms and provisions of the Bonds by the City.

No Bond constituting one of the Bonds shall be entitled to any benefit under this Ordinance nor shall it be valid, obligatory or enforceable for any purpose until such Bond shall have been registered and authenticated by the Certificate of Authentication endorsed thereon duly signed by the Paying Agent; and the Paying Agent is authorized to register and authenticate the Bonds in accordance with the provisions hereof.

The Bonds shall initially be issued in the form of one fully-registered Bond for the aggregate principal amount of the Bonds of each maturity, which Bonds shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"). The Bonds issued in the name of Cede & Co. in accordance with the provisions of this Section may be issued in typewritten form satisfactory to DTC. Except as provided below all of the Bonds shall be registered in the registration books kept by the Paying Agent in the name of Cede & Co., as nominee of DTC; provided that if DTC shall request that the Bonds be registered in the name of a different nominee, the Paying Agent shall exchange all or any portion of the Bonds for an equal aggregate principal amount of Bonds registered in the name of such nominee or nominees of DTC. No person other than DTC or its nominee shall be entitled to receive from the City or the Paying Agent either a Bond or any other evidence of ownership of the Bonds, or any right to receive any payment in respect thereof unless DTC or its nominee shall transfer record ownership of all or any portion of the Bonds on the registration books maintained by the Paying Agent, in connection with discontinuing the book-entry system as below or otherwise.

So long as the Bonds or any portion thereof are registered in the name of DTC or any nominee thereof, all payments of the principal or redemption price, if any, of or interest on such Bonds shall be made to DTC or its nominee. Each such payment to DTC or its nominee shall be valid and effective to fully discharge all liability of the City or the Paying Agent with respect to the principal or redemption price of or interest on the Bonds to the extent of the sum or sums so paid.

The City and the Paying Agent shall treat DTC (or its nominee) as the sole and exclusive registered owner of the Bonds registered in its name for the purposes of payment of the principal or redemption price of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to registered owners of the Bonds, registering the transfer of the Bonds, obtaining any consent or other action to be taken by registered owners of the Bonds and for all other purposes whatsoever; and neither the City nor the Paying Agent shall be affected by any notice to the contrary. Neither the City nor the Paying Agent shall have any responsibility or obligation to any participant in DTC, any person claiming

a beneficial ownership interest in the Bonds under or through DTC or any such participant, or any other person which is not shown on the registration books of the Paying Agent as being a registered owner, with respect to: (1) the Bonds; (2) the accuracy of any records maintained by DTC or any such participant; (3) the payment by DTC or any such participant of any amount in respect of the principal or redemption price of or interest on the Bonds; (4) any notice which is permitted or required to be given to registered owners of the Bonds; (5) the selection by DTC or any such participant of any person to receive payment in the event of a partial redemption of the Bonds; or (6) any consent given or other action taken by DTC as the registered owner of the Bonds.

So long as the Bonds or any portion thereof are registered in the name of DTC or any nominee thereof, all notices required or permitted to be given to the registered owners of the Bonds under this Ordinance shall be given to DTC.

In connection with any notice or other communication to be provided to registered owners of the Bonds pursuant to this Ordinance by the City or the Paying Agent with respect to any consent or other action to be taken by registered owners of the Bonds, DTC shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action, provided that the City or the Paying Agent may establish a special record date for such consent or other action. The City or the Paying Agent shall give DTC notice of such special record date not less than 10 calendar days in advance of such special record date to the extent possible.

The book-entry system for registration of the ownership of the Bonds may be discontinued at any time if: (1) after notice to the City and the Paying Agent, DTC determines to resign as securities depository for the Bonds; (2) after notice to DTC and the Paying Agent, the City determines that continuation of the system of book-entry transfers through DTC (or through a successor securities depository) is not in the best interests of the City or the beneficial owners of the Bonds. In any such event, unless the City appoints a successor securities depository, the Bonds shall be delivered in registered certificate form to such persons, and in such maturities and principal amounts, as may be designated in writing by DTC, but without any liability on the part of the City or the Paying Agent for the accuracy of such designation. Whenever DTC requests the City and the Paying Agent to do so, the City and the Paying Agent shall cooperate with DTC in taking appropriate action after reasonable written notice to arrange for another securities depository to maintain custody of certificates evidencing the Bonds.

The City covenants to and with the registered owners from time to time of the Bonds that the City (i) shall include in its budget in each fiscal year the amount of the debt service for each fiscal year of the City in which such sums are payable, (ii) shall appropriate from its general revenues in each such fiscal year the amount required to pay debt service on the Bonds for such year, and (iii) shall duly and punctually pay or cause to be paid from its sinking fund or any other of its revenues or funds the principal amount of the Bonds and the interest due thereon at the dates and place and in the manner stated therein, according to the true intent and meaning thereof. For such budgeting, appropriation and payment, the City shall and does pledge, irrevocably, its full faith, credit and taxing power. As provided in Section 8104 of the Act, the foregoing covenant of the City shall be enforceable specifically.

The City hereby covenants to create and there is hereby created, pursuant to Section 8221 of the Act, a sinking fund for the Bonds, to be known as “Sinking Fund - City of Reading, Berks County, Pennsylvania, General Obligation Bonds, Series A of 2008” (the “Sinking Fund”) or such other name or designation as selected by the proper officers of the City from time to time shall be established with the Paying Agent and administered in accordance with applicable provisions of the Act and this Ordinance.

The Paying Agent shall be the “sinking fund depository” with respect to the Sinking Fund created pursuant to Section 13. The City covenants and agrees to deposit in the Sinking Fund, on or before each Interest Payment Date, an amount which shall be sufficient to permit the Paying Agent to pay on such Interest Payment Date all principal and accrued interest becoming due with respect to the Bonds. After such deposit, the Paying Agent shall, without further authorization or direction from the City or any of its officials, upon proper and timely presentation, execution and surrender of the Bonds, with respect to the payment of principal of the Bonds, or at the Interest Payment Date, with respect to the payment of interest on the Bonds, withdraw moneys from the Sinking Fund and apply such moneys to the prompt and full payment of such obligations in accordance with the terms thereof, the terms and conditions of this Ordinance and the provisions of the Act.

Each Bond shall bear interest from the Interest Payment Date next preceding the date of registration and authentication of such Bonds, unless (a) such Bonds are registered and authenticated as of an Interest Payment Date, in which event such Bonds shall bear interest from said Interest Payment Date; or (b) the Bonds are registered and authenticated after a Record Date (hereinafter defined) and before the next succeeding Interest Payment Date, in which event such Bonds shall bear interest from such Interest Payment Date, or (c) the Bonds are registered and authenticated on or prior to the Record Date preceding the first Interest Payment Date, in which event such Bonds shall bear interest from the dated date thereof, or (d) as shown by the records of the Paying Agent, interest on such Bonds shall be in default, in which event such Bonds shall bear interest from the date on which interest was last paid on such Bonds. Interest shall be paid semiannually on June 15 and December 15 of each year, commencing with the June 15 or December 15 following the delivery of the Bonds, until the principal sum is paid. Interest on the Bonds is payable by check drawn on the Paying Agent, which shall be mailed to the registered owner whose name and address shall appear, at the close of business on the fifteenth (15th) day next preceding each Interest Payment Date (the “Record Date”), on the registration books maintained by the Paying Agent, irrespective of any transfer or exchange of the Bonds subsequent to such Record Date and prior to such Interest Payment Date, unless the City shall be in default in payment of interest due on such Interest Payment Date. In the event of any such default, such defaulted interest shall be payable to the person in whose name the Bonds are registered at the close of business on a special record date for the payment of such defaulted interest established by notice mailed by the Paying Agent to the registered owners of the Bonds not less than ten (10) days preceding such special record date. Such notice shall be mailed to the persons in whose names the Bonds are registered at the close of business on the fifth (5th) day preceding the date of mailing.

If the date for payment of the principal of or the interest on any Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the Commonwealth are

authorized by law or executive order to remain closed, then the payment of such principal or interest need not be made on such date, but may be made on the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to remain closed, with the same force and effect as if made on the nominal date of redemption, and no interest shall accrue after such date.

The City and the Paying Agent shall not be required: (i) to issue or to register the transfer of or exchange any Bonds then considered for redemption during a period beginning at the close of business on the fifteenth (15th) day next preceding any date of selection of Bonds to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is given, or (ii) to register the transfer of or exchange any portion of any Bond selected for redemption, in whole or in part until after the date fixed for redemption. Bonds may be exchanged for a like aggregate principal amount of Bonds of other authorized denominations of the same maturity and interest rate.

The Bonds shall be transferable or exchangeable by the registered owner thereof upon surrender thereof to the Paying Agent, at its principal corporate trust office, accompanied by a written instrument or instruments in form, with instructions, and with guaranty of signature satisfactory to the Paying Agent, duly executed by the registered owner thereof or his attorney-in-fact or legal representative. The Paying Agent shall enter any transfer of ownership of the Bonds in the registration books of the City maintained by the Paying Agent and shall authenticate and deliver in the name of the transferee or transferees new fully registered Bonds of authorized denominations of the same series and maturity for the aggregate amount which the transferee or transferees are entitled to receive at the earliest practicable time.

The City and the Paying Agent may deem and treat the persons in whose names the Bonds shall be registered on the registration books of the City maintained by the Paying Agent as the absolute owners thereof for all purposes, whether such Bonds shall be overdue or not, and payment of the principal of and/or interest on the Bonds shall be made only to or upon the order of the registered owners thereof or their legal representatives, but such registration may be changed, as herein and in the Bonds provided. All such payments shall be valid and effectual to satisfy in full and discharge the liability of the City upon the Bonds so paid, to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

The City shall cause to be kept, and the Paying Agent shall keep, at the principal corporate trust office of the Paying Agent, books for the registration, exchange and transfer of Bonds in the manner provided herein and therein so long as the Bonds shall remain outstanding. Such registrations, exchanges and transfers shall be made without charge to bondholders, except for actual costs, including postage, insurance and any taxes or other governmental charges required to be paid with respect to the same.

If necessary, the City hereby approves the execution of one or more investment agreements, the purchase of certain U.S. Treasury obligations or any other securities or investments (the "Investments") for investment of the proceeds of the Bonds in connection with the Project and the advance refunding of the 1985 Bonds. The City hereby authorizes and directs the Mayor of the City to execute and the City Clerk of the City to attest any investment

agreement on behalf of the City, in the form approved by the Solicitor and Bond Counsel of the City. The Investments shall be limited to those authorized under law for proceeds of the Bonds.

The Mayor of the City and the City Clerk of the City, and, if applicable, their duly qualified respective successors, are hereby authorized and directed, in the name and on behalf of the City: (a) to prepare, execute and certify the debt statement and borrowing base certificate required by the Act; (b) to prepare, execute and file with the Department, as required by Section 8111 of the Act, a duly attested copy of this Ordinance, with proofs of proper publication, the accepted Proposal of the Purchaser and a complete and accurate transcript of the proceedings relating to the incurring of the debt to be evidenced by the Bonds, including the debt statement and borrowing base certificate; (c) to pay or to cause to be paid to the Department all proper filing fees required by the Act in connection with the foregoing; (d) to pay or cause to be paid from proceeds of the Bonds or otherwise, all costs and expenses incurred by the City in connection with the issuance of the Bonds; (e) to advertise the enactment of this Ordinance, as required by the Act; and (f) to take any and all other action, and to execute and deliver any and all documents and other instruments, required or permitted by the Act or by the Proposal of the Purchaser, or which they, in their sole discretion, may deem necessary, proper or desirable to effect the issuance of the Bonds, to the extent not inconsistent with this Ordinance or applicable law.

It is hereby declared that the debt to be evidenced by the Bonds, together with all other indebtedness of the City, is not in excess of any applicable limitation imposed by the Act upon the incurring of debt by the City.

The proper officers of the City are hereby authorized and directed to deliver the Bonds as and when issued to the Purchaser, upon due registration and authentication thereof as provided for herein, upon receipt of full and proper payment of the purchase price therefor, provided, however, that such delivery shall be effected only after the Department has certified its approval pursuant to Section 8204 of the Act.

The City covenants to and with the registered owners of the Bonds that it will make no use of the proceeds of such issue or issues or do or suffer any other action which, if such use or action had been reasonably expected on the date of issue of such Bonds, would cause such Bonds to be "arbitrage bonds" or "private activity bonds" as those terms are defined in Section 148 and Section 141 of the Code and the applicable regulations thereunder. The City further covenants that it will comply with the requirements of such Section 148 and Section 141 and with the regulations thereunder throughout the term of this issue. In addition, the Mayor of the City, being the official(s) responsible for issuing the Bonds, attested by the City Clerk of the City, are hereby authorized and directed to execute and deliver, in the name and on behalf of the City, any and all documents or other instruments which Bond Counsel may reasonably request in connection with the providing of its opinion that the Bonds are not "arbitrage bonds" or "private activity bonds" within the meanings of Section 148 and Section 141 of the Code and the regulations promulgated thereunder, including, without limitation, a certificate dated the date of issuance and delivery of the Bonds, which certificate shall set forth the reasonable expectations of the City as to the amount and use of the proceeds of the Bonds.

The Council hereby authorizes and directs the purchase of a municipal bond insurance policy or policies (the “Municipal Bond Insurance Policy”) to be issued by a municipal bond insurer acceptable to the Purchaser and the Mayor of the City insuring the payment when due of the principal of and interest on the Bonds as provided therein. Proper officers of the City are authorized and directed to take all required, necessary and/or appropriate action with respect to such insurance, including the payment of the premium thereof. Proper officers of the City are also authorized and directed to execute any and all documents or agreements with respect to such insurance, as may be required by the insurer.

On the date of delivery of the Bonds, to the extent required for a lawful defeasance of the 1985 Bonds, the proper officers of the City are hereby authorized, empowered and directed to execute, attest and deliver the Escrow Agreement in the form approved by such officers with the advice of the Solicitor to the City. The Escrow Agreement shall provide for, among other things, the following: (i) a certification to the Escrow Agent of the amount required to pay the principal of, premium, if any, and interest on, the 1985 Bonds, (ii) the deposit with the Escrow Agent of an amount which, when taken together with the interest to be earned thereon, will be in the amount necessary to pay the principal of, premium, if any, and interest on the 1985 Bonds to and including the first call date, and to pay the principal amount of the 1985 Bonds maturing after the date fixed for the redemption thereof, (iii) the investment of the amounts deposited with and held by the Escrow Agent, (iv) a direction to the Escrow Agent to cause notice of redemption to be given to the holders of the 1985 Bonds, and (v) the irrevocable pledge and escrow of, and grant of a security interest in favor of the Escrow Agent of all investments held by it pursuant to the Escrow Agreement.

The City hereby authorizes and directs the proper officers, agents and employees to execute any and all other documents and to take any and all action necessary in connection with the Project to cause the 1985 Bonds to “no longer be deemed to be outstanding” as of the date of delivery of the Bonds, within the meaning and for the purposes of Section 8250 of the Act and to cause the redemption of the 1985 Bonds.

With regard to the Bonds, the proper officers of the City are hereby authorized to execute a Continuing Disclosure Certificate (hereinafter defined) on behalf of the City and the City hereby covenants and agrees that it will comply with and carry out all of the provisions of such Continuing Disclosure Certificate as required by applicable law. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any Bondholder or Beneficial Owner may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section.

As used herein, the term “Continuing Disclosure Certificate” shall mean one or more Continuing Disclosure Certificates to be executed by the City in order to comply with Securities and Exchange Commission Rule 15c2-12, and dated the date of issuance and delivery of the Bonds from time to time, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

As used herein, the term “Beneficial Owner” shall mean any person which has or shares the power, directly or indirectly, to make investment decisions concerning ownership of any Bonds (including persons holding Bonds through nominees, depositories, or other intermediaries).

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the City that the remainder of this Ordinance shall remain in full force and effect.

All Ordinances or parts of Ordinances, insofar as the same shall be inconsistent herewith, shall be and the same expressly hereby are repealed.

This Ordinance shall be effective in accordance with Section 8003 of the Act.

DULY ENACTED AND ORDAINED, THIS 28TH DAY OF JANUARY, 2008,
BY THE COUNCIL OF CITY OF READING, BERKS COUNTY, PENNSYLVANIA, IN
LAWFUL SESSION DULY ASSEMBLED.

CITY OF READING
Berks County, Pennsylvania

(SEAL)

By:
President of City Council

Attest:
City Clerk

MAXIMUM DEBT SERVICE SCHEDULE

BOND FORM

REGISTERED

Number ____

REGISTERED

\$_____

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC") to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

CITY OF READING, BERKS COUNTY,
PENNSYLVANIA

GENERAL OBLIGATION BOND, SERIES A OF 2008

INTEREST
RATE

MATURITY DATE

DATED DATE OF
SERIES

CUSIP

_____, _____, 2008

REGISTERED OWNER CEDE & CO.

PRINCIPAL AMOUNT \$ _____

City of Reading, Berks County, Pennsylvania (the "City"), a third-class city existing under the laws of the Commonwealth of Pennsylvania (the "Commonwealth"), for value received, hereby acknowledges itself to be indebted and promises to pay to the order of the Registered Owner hereof, or registered assigns, on the maturity date stated hereon (or upon prior redemption, as hereinafter provided), upon presentation and surrender hereof, the Principal Amount shown above and to pay semiannually on June 15 and December 15 of each year prior to maturity or redemption (each an "Interest Payment Date"), beginning _____, 2008, to the registered owner hereof, interest on such principal sum, at the rate per annum stated hereon, from the Interest Payment Date next preceding the date of registration and authentication of this City of Reading, Berks County, Pennsylvania, General Obligation Bond, Series A of 2008 (the "Bond"), unless (a) this Bond is registered and authenticated as of an Interest Payment Date, in which event this Bond shall bear interest from such Interest Payment Date, or (b) this Bond is registered and authenticated after a Record Date (hereinafter defined) and before the next succeeding Interest Payment Date, in which event such Bond shall bear interest from such

Interest Payment Date, or (c) this Bond is registered and authenticated on or prior to the Record Date preceding _____, 2008, in which event such Bond shall bear interest from _____, 2008, or (d) as shown by the records of _____, as paying agent, at its offices located in _____, Pennsylvania, or its successor (the "Paying Agent"), interest on such Bond shall be in default, in which event such Bond shall bear interest from the date on which interest was last paid on such Bond. Interest on each Bond is payable by check drawn on the Paying Agent, which shall be mailed to the registered owner whose name and address shall appear, at the close of business on the fifteenth (15th) day next preceding each Interest Payment Date (the "Record Date"), on the registration books maintained by the Paying Agent, irrespective of any transfer or exchange of the Bond subsequent to such Record Date and prior to such Interest Payment Date, unless the City shall be in default in payment of interest due on such Interest Payment Date. In the event of any such default, such defaulted interest shall be payable to the person in whose name the Bond is registered at the close of business on a special record date for the payment of such defaulted interest established by notice mailed by the Paying Agent to the registered owners of Bonds (hereinafter defined) not less than ten (10) days preceding such special record date. Such notice shall be mailed to the persons in whose names the Bonds are registered at the close of business on the fifth (5th) day preceding the date of mailing.

Whenever the due date for payment of interest on or principal of the Bonds or the date fixed for redemption of any Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the Commonwealth are authorized by law or executive order to remain closed, then payment of such interest, principal, or redemption price need not be made on such date, but may be made on the next succeeding day which is not a Saturday, Sunday, legal holiday or a day upon which banks are authorized by law or executive order to remain closed, with the same force and effect as if made on the due date for payment of principal, interest or redemption price and no interest shall accrue thereon for any period after such due date.

This Bond is one of a series of bonds of the City known generally as "City of Reading, Berks County, Pennsylvania, General Obligation Bonds, Series A of 2008," dated as of _____, 2008 (the "Bonds"), issued by the City in the aggregate principal amount of _____ Dollars (\$_____).

The Bonds are in fully registered form, without coupons, and have been authorized and issued in accordance with the Local Government Unit Debt Act of the Commonwealth (the "Act"), without the assent of the electors, pursuant to an Ordinance (the "Ordinance") of the Council of the City duly enacted on _____, 2008. The terms and provisions of the Ordinance are hereby incorporated by reference as if set forth fully herein.

The City has covenanted in the Ordinance that it shall include in its budget the amount of the debt service for each fiscal year of the City in which principal and/or interest on the Bonds is payable, that it shall appropriate from its general revenues any such sums for the payment of such debt service and that it shall duly and punctually cause to be paid when due principal and interest on the Bonds.

In the Ordinance, the City has covenanted to and with registered owners of the Bonds that it will make no use of the proceeds of the Bonds, or do or suffer any other action, which, if such use or action had been reasonably expected on the date of issuance of the Bonds,

would cause the Bonds to be “arbitrage bonds” or “private activity bonds” as those terms are defined in Section 148 and Section 141 of the Internal Revenue Code of 1986, as amended (the “Code”), and the applicable regulations thereunder.

This Bond shall not be entitled to any benefit under the Ordinance nor shall it be valid, obligatory or enforceable for any purpose until this Bond shall have been authenticated by the Paying Agent.

The Bonds maturing on or after _____, shall be subject to redemption, prior to maturity, at the option of the City, in whole or in part, in any order of maturities, at any time on or after _____, at a price equal to 100% of the principal amount of the Bonds to be redeemed and accrued interest thereon to the date fixed for such optional redemption. In the event that less than all Bonds of a particular maturity are to be redeemed, the Bonds of such maturity to be redeemed shall be drawn by lot by the Paying Agent.

The Bonds stated to mature on _____, are subject to mandatory redemption prior to maturity on _____ of the years (at a price equal to the principal amount of the Bonds called for mandatory redemption plus accrued interest thereon to the date fixed for such mandatory redemption) and in the principal amounts as set forth in the following schedule, as drawn by lot by the Paying Agent:

<u>Year</u>	<u>Principal Amount</u>
-------------	-------------------------

*

* at maturity

In lieu of such mandatory redemption, the Paying Agent, on behalf of the City, may purchase, from money in the Sinking Fund, or the City may tender to the Paying Agent, all or part of the Bonds subject to mandatory redemption in any such year.

If a Bond is of a denomination larger than \$5,000, a portion of such Bond may be redeemed. For the purposes of redemption, such Bond shall be treated as representing that number of Bonds which is obtained by dividing the principal amount thereof by \$5,000, each \$5,000 portion of such Bond being subject to redemption. In the event of a partial redemption of a Bond, payment of the redemption price shall be made only upon surrender of such Bond in exchange for Bonds of the same series and of authorized denominations in an aggregate principal amount equal to the unredeemed portion of the principal amount thereof.

Any redemption of Bonds shall be upon notice effected by mailing a copy of the redemption notice by first-class mail, postage prepaid, such notice to be sent not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption, addressed to the registered owners of Bonds to be redeemed at their addresses shown on the registration books kept by the Paying Agent (hereinafter defined) as of the date the Bonds are selected for

redemption; provided, however, that failure to give such notice by mailing, or any defect therein or in the mailing thereof, shall not affect the validity of any proceeding for redemption of other Bonds called for redemption as to which proper notice has been given.

If at the time of mailing of the notice of redemption the City shall not have deposited with the Paying Agent moneys sufficient to redeem all the Bonds called for redemption, such notice may state that it is conditional, that is, subject to the deposit of the redemption moneys with the Paying Agent no later than the opening of business on the redemption date, and such notice shall be of no effect unless such moneys are so deposited.

On the date designated for redemption, notice having been provided as aforesaid, and money for payment of the principal and accrued interest being held by such Paying Agent, interest on the Bonds or portions thereof so called for redemption shall cease to accrue and such Bonds or portions thereof shall cease to be entitled to any benefit or security under this Ordinance, and registered owners of such Bonds shall have no rights with respect to such Bonds, except to receive payment of the principal of and accrued interest on such Bonds to the date fixed for redemption.

If the redemption date for any Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the Commonwealth are authorized by law or by executive order to remain closed, then the payment of such principal and interest upon such redemption need not be made on such date, but may be made on the next succeeding day which is not a Saturday, Sunday, legal holiday or day on which such banking institutions are authorized to remain closed, with the same force and effect as if made on the nominal date of redemption, and no interest shall accrue after such date.

This Bond may be transferred or exchanged by the registered owner hereof only upon surrender of this Bond to the Paying Agent at its principal corporate trust office, accompanied by a written instrument or instruments of transfer in form, with instructions, and with guaranty of signature satisfactory to the Paying Agent, duly executed by the registered owner of this Bond or his attorney-in-fact or legal representative. The Paying Agent shall enter any transfer of ownership of this Bond in the registration books maintained by the Paying Agent and shall authenticate and deliver in the name of the transferee or transferees a new fully registered bond or bonds of the same series and of authorized denominations of the same maturity and form for the aggregate amount which the transferee is entitled to receive at the earliest practicable time. The City and the Paying Agent may deem and treat the registered owner hereof as the absolute owner hereof (whether or not this Bond shall be overdue) for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes, and the City and the Paying Agent shall not be affected by any notice to the contrary. All payments made to the registered owner of a Bond, as herein provided, shall be valid and effectual to satisfy in full and discharge the liability of the City upon the Bond as paid.

The City and the Paying Agent shall not be required: (i) to issue or to register the transfer of or exchange any Bonds then considered for redemption during a period beginning at the close of business on the fifteenth (15th) day next preceding any date of selection of Bonds to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is given, or (ii) to register the transfer of or exchange any portion of any Bond

selected for redemption, in whole or in part until after the date fixed for redemption. Bonds may be exchanged for a like aggregate principal amount of Bonds of other authorized denominations of the same maturity and interest rate.

The City has caused CUSIP numbers to be printed on the Bonds as a convenience to bondholders. No representation is made as to the accuracy of such numbers as printed on the Bonds.

No recourse shall be had for the payment of the principal of or interest on this Bond, or for any claim based hereon or on the Ordinance, against any member, officer or employee, past, present, or future, of the City or of any successor body, as such, either directly or through the City or any such successor body, under any constitutional provision, statute or rule of law, or by the enforcement of any assessment or by any legal or equitable proceeding or otherwise, and all such liability of such members, officers or employees is released as a condition of and as consideration for the issuance of this Bond.

It is hereby certified that the approval of the Department of Community and Economic Development of the Commonwealth for the City to issue and deliver this Bond has been duly given pursuant to the Act; that all acts, conditions and things required by the laws of the Commonwealth to exist, to have happened or to have been performed, precedent to or in connection with the issuance of this Bond or in the creation of the debt of which this Bond is evidence, exist, have happened and have been performed in regular and due form and manner as required by law; that this Bond, together with all other indebtedness of the City is within every debt and other limit prescribed by the Constitution and the statutes of the Commonwealth; that the City has established with the Paying Agent, as Sinking Fund Depositary, a sinking fund for the Bonds and shall deposit therein amounts sufficient to pay the principal of and interest on the Bonds as the same shall become due and payable; and that for the prompt and full payment of all obligations of this Bond, the full faith, credit and taxing power of the City are hereby irrevocably pledged.

IN WITNESS WHEREOF, City of Reading, Berks County, Pennsylvania, has caused this Bond to be signed in its name and on its behalf by the signature of the Mayor of the City and its corporate seal to be hereunder affixed, duly attested by the signature of the City Clerk of the City, as of the ____ day of _____, 2008.

CITY OF READING
Berks County, Pennsylvania

By: _____
President of Council

(SEAL)

Attest: _____
City Clerk

STATEMENT OF INSURANCE

TO BE PROVIDED UPON SELECTION OF BOND INSURER

(FORM OF PAYING AGENT'S CERTIFICATE)

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____

It is certified that this Bond is a Bond issued under the provisions of the within-mentioned Ordinance.

_____, as Paying Agent

By _____
Authorized Officer

(FORM OF ASSIGNMENT)

ASSIGNMENT

FOR VALUE RECEIVED, _____ (the "Transferor"), the undersigned, hereby sells, assigns and transfers unto

--	--	--	--	--

	(the "Transferee")
Name	
Address	
Social Security or Federal Employer Identification No.	

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ as attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____	
Signature Guaranteed: _____ NOTICE: Signature(s) must be guaranteed by an approved eligible guarantor institution, an institution which is a participant in a Securities Transfer Association recognized signature guarantee program.	 _____ NOTICE: No transfer will be made in the name of the Transferee, unless the signature(s) to this assignment correspond(s) with the name(s) as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever and the Social Security or Federal Employer Identification Number of the Transferee is supplied. If the Transferee is a trust, the names and Social Security or Federal Employer Identification Numbers of the settlor and beneficiaries of the trust, the Federal Employer Identification Number and date of the trust, and the name of the trustee should be supplied.



AGENDA MEMO

MAYOR'S OFFICE

TO: President Spencer and Members of the City Council

FROM: Thomas McMahon, Mayor

MEETING DATE: January 28, 2008

AGENDA MEMO DATE: January 11, 2008

RECOMMENDED ACTION: To approve an Ordinance presented by the Mayor relating to the annual salary for Leon Churchill, Managing Director for the City of Reading.

RECOMMENDATION:

It is the recommendation of this Administration to increase the salary for the Managing Director to \$118,820.64, as of the anniversary date of Leon Churchill's appointment as the Managing Director for the City of Reading. The performance evaluation supporting this recommended action was conducted as per our City Ordinance No. 22-2002, which provides for a performance review of department heads to be completed by the Mayor.

BACKGROUND:

Mr. Churchill has performed and completed numerous projects last year. They are:

- Reorganized the Human Relations Office
 - Redesigned procedures
 - Made appropriate staffing changes
- Ended FY 2006 with \$8.4 million surplus
 - Customer Service Center created
 - Zoning upgraded
- Began FY 2008 process with Strategic Planning Process
 - Included City Council with consensus

- Collaborated on funding program for Central Pennsylvania African American Museum
- Led redesign of housing permitting process, creation of expedited process
- Restructured risk management program resulting in \$350,000 in annual savings
- Led negotiations with Fraternal Order of Police
 - Restructured Police Department that led to more officers on patrol
 - Consolidated prisoner intake
 - Created performance bonus system
 - FOP contributes to health insurance costs
- Led negotiations with the AFSCME
 - Gainsharing program introduced
 - Created savings for City while enhancing benefits for employees
- Designed Blighted Property Review Process
- Led guaranteed energy savings program
- Speaker at Fire-Rescue International 2007 and Forum 2007
- Spearheaded numerous financial transactions (9) that generated near \$9 million and cost the City \$240,000.
- Reorganized legal services for the City
- Led security camera procurement process
 - Identified funding sources

BUDGETARY IMPACT:

This amount is available in the City's General Fund for \$3,460.80.

B I L L N O. _____

AN ORDINANCE

AN ORDINANCE INCREASING THE SALARY OF THE MANAGING DIRECTOR, R. LEON CHURCHILL, JR., IN ACCORDANCE WITH SECTION 706. OF THE CITY OF READING HOME RULE CHARTER AND BILL NO. 22-2002 WHICH ESTABLISHED A PROCEDURE FOR CITY COUNCIL TO PROVIDE ANNUAL INCREASES TO THE CITY'S DEPARTMENT DIRECTORS.

WHEREAS, R. Leon Churchill, Jr. was confirmed, by City Council, as the City's Managing Director on June 20, 2004; and

WHEREAS, City Council passed Bill No. 22-2002, on June 24, 2002, which states that a Department Director shall receive an annual salary adjustment based upon a performance evaluation; and

WHEREAS, R. Leon Churchill, Jr. received a performance evaluation which is satisfactory, meeting motivational standards, he is entitled to a salary increase to \$118,820.64 (3%).

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. COMPENSATION.

The salary of the R. Leon Churchill, Jr., shall be increased to \$118,820.64 per annum retroactive to June 20, 2007.

SECTION 2. REPEALER.

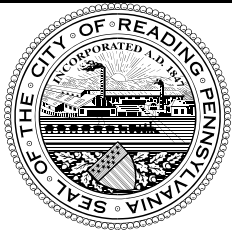
All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective 10 days after its adoption in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

President of Council



AGENDA MEMO

MANAGING DIRECTOR

TO: President Spencer and City Council

FROM: Leon Churchill, Managing Director

MEETING DATE: January 28, 2008

AGENDA MEMO DATE: January 18, 2008

RECOMMENDED ACTION:

To approve an Ordinance presented by the Administration relating to the annual salary for William H. Rehr, III, Fire Chief, for the City of Reading.

RECOMMENDATION:

It is the recommendation of this Administration to increase the salary for the Fire Chief to \$73,771.17, a four (4%) percent increase, effective January 1, 2008. The performance evaluation supporting this recommended action was conducted as per our City Ordinance No. 22-2002, which provides for a performance review of department heads to be completed by the Managing Director.

BACKGROUND:

It is this Administration's position to make the salary level for all department directors as equitable and fair as possible.

Chief Rehr worked with the Fire Civil Service Board to create a new entry-level hiring list which resulted in the hiring of ten (10) new firefighters. He also worked with the Civil Service Board to implement a new fire officer promotional list. He secured an alternate site to Schlegel Park at 101 Lancaster Avenue for a new Southwest Fire Station.

The Fire Department appointed a new Diversity Officer in compliance the Courtney Horne court award.

BUDGETARY IMPACT:

The 4% increase amounts to \$2,837.35. Funds are available in the City's General Fund in the Fire Department budget.

PREVIOUS ACTION:

Not applicable.

SUBSEQUENT ACTION:

Not applicable.

RECOMMENDED BY:

The Mayor and Managing Director

RECOMMENDED MOTION:

To increase the present salary of the Fire Chief to \$73,771.17.

BILL NO. _____

AN ORDINANCE

AN ORDINANCE INCREASING THE SALARY OF THE FIRE CHIEF, WILLIAM H. REHR, III, IN ACCORDANCE WITH SECTION 706. OF THE CITY OF READING HOME RULE CHARTER AND BILL NO. 22-2002 WHICH ESTABLISHED A PROCEDURE FOR CITY COUNCIL TO PROVIDE ANNUAL INCREASES TO THE CITY'S DEPARTMENT DIRECTORS.

WHEREAS, William H. Rehr, III was confirmed, by City Council, as the City's Fire Chief on August 26, 1996; and

WHEREAS, City Council passed Bill No. 22-2002, on June 24, 2002, which states that a Department Director shall receive an annual salary adjustment based upon a performance evaluation; and

WHEREAS, William H. Rehr, III, received a performance evaluation which is satisfactory, meeting motivational standards, he is entitled to a salary increase to \$73,771.17 (4%), in accordance with the IAFF Contract Agreement.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. COMPENSATION.

The salary of the William H. Rehr, III, shall be increased to \$73,771.17 per annum retroactive to January 1, 2008.

SECTION 2. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective 10 days after its adoption in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

Attest:

City Clerk

President of Council



AGENDA MEMO MANAGING DIRECTOR

TO: President Spencer and Members of the City Council

FROM: Leon Churchill, Managing Director

MEETING DATE: January 28, 2008

AGENDA MEMO DATE: January 18, 2008

RECOMMENDED ACTION:

To approve an Ordinance presented by the Administration relating to the annual salary for Ryan Hottenstein, Finance Director, for the City of Reading.

RECOMMENDATION:

It is the recommendation of this Administration to increase the salary for the Finance Director to \$71,872.42 (5%) percent increase, effective upon his anniversary date. The performance evaluation supporting this recommended action was conducted as per our City Ordinance No. 22-2002, which provides for a performance review of department heads to be completed by the Managing Director.

BACKGROUND:

It is this Administration's position to make the salary level for all department directors as equitable and fair as possible.

Mr. Hottenstein helped in settling the four interest rate swaps which netted the City over \$8 million. The Finance Department also has increased its tax collections over the past year.

Mr. Hottenstein helped in the restructuring of the City organization. The Pension Bond had good timing which netted the City more of a capital gain.

BUDGETARY IMPACT:

The increase amounts to \$3,422. Funds are available in the City's General Fund in the Finance Department budget in various accounts.

PREVIOUS ACTION:

Not applicable.

SUBSEQUENT ACTION:

Not applicable.

RECOMMENDED BY:

The Mayor and Managing Director

RECOMMENDED MOTION:

Increase the present salary of the Finance Director to \$71,872.42.

BILL NO. _____

AN ORDINANCE

AN ORDINANCE INCREASING THE SALARY OF THE FINANCE DIRECTOR, RYAN HOTTENSTEIN, IN ACCORDANCE WITH SECTION 706. OF THE CITY OF READING HOME RULE CHARTER AND BILL NO. 22-2002 WHICH ESTABLISHED A PROCEDURE FOR CITY COUNCIL TO PROVIDE ANNUAL INCREASES TO THE CITY'S DEPARTMENT DIRECTORS.

WHEREAS, Ryan Hottenstein was confirmed, by City Council, as the City's Finance Director on December 19, 2005; and

WHEREAS, City Council passed Bill No. 22-2002, on June 24, 2002, which states that a Department Director shall receive an annual salary adjustment based upon a performance evaluation; and

WHEREAS, Ryan Hottenstein received a performance evaluation which is satisfactory, meeting motivational standards, he is entitled to a salary increase to \$71,872.42 (5%).

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. COMPENSATION.

The salary of the Ryan Hottenstein shall be increased to \$71,872.42 per annum retroactive to January 1, 2008.

SECTION 2. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective 10 days after its adoption in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

Attest:

President of Council

City Clerk

BILL NO. _____ 2008
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED
ORDINANCES OF THE CITY OF READING CHAPTER 1, SECTION 1-120
COUNCIL COMMITTEES BY CHANGING THE NAME OF THE
ADMINISTRATIVE OVERSIGHT COMMITTEE TO ADMINISTRATIVE AND
LAND USE COMMITTEE

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1, Section 1-120 Council Committees as follows:

2. Committees of Council may include:

- A. Finance, to include community development funds, capital improvements, audits and budget.
- B. Public Property/Public Works to include parks, buildings, vehicles, streets and sewage.
- C. Public Safety to include fire, police, codes, health and traffic.
- D. Administrative *and Land Use* Oversight to include legal, ~~and~~ personnel, *housing, zoning, planning and other related land use issues*.
- E. Research Committee to research issues requested by Council.
- F. Rules Committee to establish rules of conduct for Council.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

President of Council

Attest:

City Clerk

BILL NO. _____-2008
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES FEE SCHEDULE BY ADDING THE FEE FOR THE PRINTING OR COPYING OF A MAP.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Codified Ordinances Fee Schedule, Public Records Fee Section, by adding a fee for the printing or copying of a map as follows:

- A. All persons requesting a printed original or photocopied map not more than 24" x 36" in size shall be charged a fee of \$3 each.
- B. All persons requesting a printed original or photocopied map 24" x 36" or larger shall be charged a fee of \$5 each.

SECTION 2. This Ordinance shall become effective ten (10) days after its adoption and approval by the Mayor, or override of the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(Traffic Engineering and Council Staff)

RESOLUTION NO.____2008

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:**

Appointing City Councilor_____to the position of Vice
President of Council for a two (2) year term.

Adopted by Council _____, 2008

President of Council

Attest:

City Clerk

RESOLUTION NO.____2008

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:**

Reappointing Linda A. Kelleher to the position of City Clerk for a two (2) year term.

Adopted by Council _____, 2008

President of Council

Attest:

City Clerk